

1 CITY OF HOMER
2 HOMER, ALASKA

3 Lewis

4 ORDINANCE 14-35

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 5.05.010, 5.05.020 and 5.05.030
7 TO PROHIBIT THE USE OF E-CIGARETTES IN CITY
8 STRUCTURES, VEHICLES AND WATERCRAFT.
9

10
11 WHEREAS, The City has prohibited the smoking of tobacco in City buildings, on other
12 identified public properties, and in vehicles and watercraft owned by the City, for the reason,
13 among others, that it endangers the health and welfare of other persons who are present
14 where the smoking occurs.

15
16 WHEREAS, The Council finds that the vapor emitted by an e-cigarette also may offend,
17 and endanger the health and welfare, of other persons who are present where the e-cigarette
18 is being used, and that the use of e-cigarettes in City buildings, on other identified public
19 properties, and in vehicles and watercraft owned by the City, should be restricted in the same
20 manner as the smoking of tobacco in such places.

21
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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24 Section 1. Homer City Code 5.05.010, Legislative intent, is amended to read as follows:

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26 5.05.010 Legislative intent. It is the intent of this provision to accommodate and protect
27 the public health and welfare of those who do not desire to be exposed to secondhand smoke
28 or vapor from e-cigarettes while completing City business or performing City employment
29 responsibilities.

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31 Section 2. Homer City Code 5.05.020, Definitions, is amended to read as follows:

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33 5.05.020 Definitions. In this chapter:

34 "E-cigarette" means an electronic device that uses a heating element, battery, or
35 electronic circuit to issue a vapor for inhalation in a manner that simulates smoking a lighted or
36 heated cigar, cigarette, or pipe, or other lighted or heated tobacco or plant product intended
37 for inhalation.

38 "Public buildings and other areas owned or operated by the City" does not include
39 public sidewalks and streets, unless located within 50 feet of a petroleum fuel dispensing
40 facility.

41 "Smoking" means and includes using or operating an e-cigarette or the inhaling,
42 exhaling, burning or carrying of any lighted smoking equipment or paraphernalia for tobacco
43 or any other weed or plant.
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45 Section 3. Homer City Code 5.05.030, Prohibition, is amended to read as follows:
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47 5.05.030 Prohibition. Smoking is prohibited ~~No person shall smoke any tobacco product~~
48 ~~and no person shall smoke any other substance in all any~~ public buildings owned or operated
49 by the City or any of its departments. This prohibition applies to City Hall, the Police Station,
50 the Fire Hall, public works facilities, animal shelter, library, port and harbor buildings, airport
51 terminal and any other buildings owned or occupied by the City. This prohibition also applies to
52 all City-owned or leased vehicles or watercraft as follows:

53 a. Smoking in any form is objectionable to many and shall not be permitted in any
54 public buildings owned by the City of Homer or leased by the City as lessee and in all motor
55 vehicles or watercraft owned, rented, leased or used by the City of Homer, or by any
56 departments, councils, commissions, or other agencies of the City. This would exclude public
57 sidewalks, streets, public parks, other outdoor areas, and leased properties in which the City is
58 the lessor.

59 b. The City shall designate a "smoking area" outside City-owned buildings and facilities,
60 in which this section does not prohibit ~~areas for smoking by nonminors shall be allowed.~~ A
61 smoking area shall be situated no closer than 15 feet from premise entrances, open doors or
62 windows.

63 c. Smoking shall be prohibited on City-owned properties located within 50 feet of a
64 petroleum fuel dispensing facility.

65 d. The person in charge of City areas listed above shall make reasonable efforts to
66 prevent smoking in those areas in which smoking is not allowed and shall post "No Smoking"
67 and "Warning" signs conspicuously in these areas.

68 e. The person in charge of a City area listed above shall post signs in those areas in
69 which this section does not prohibit ~~smoking is allowed.~~

70
71 Section 4. This Ordinance is of a permanent and general character and shall be
72 included in the City Code.

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74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day
75 of August 2014.

76
77 CITY OF HOMER

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80 _____
81 MARY E. WYTHE, MAYOR

82 ATTEST:

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86 _____
87 JO JOHNSON, MMC, CITY CLERK

88 AYES:
89 NOES:
90 ABSTAIN:
91 ABSENT:

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94 First Reading:
95 Public Reading:
96 Second Reading:
97 Effective Date:

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99

100 Reviewed and approved as to form:

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102

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104 _____
Walt Wrede, City Manager

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106 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____