

**AN ORDINANCE PROHIBITING THE USE OF TOBACCO PRODUCTS  
WITHIN CITY-OWNED PARKS, OPEN SPACES AND RECREATION AREAS**

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 5 of the City Code is hereby amended to read as follows:

**CHAPTER 5**

**PUBLIC FACILITIES AND PROPERTY**

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**ARTICLE III. PARKS AND PLAYGROUNDS**

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**SEC. 5.21. REGULATIONS.**

The following regulations shall apply to all City parks:

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**(20) Park and Recreation Programs -**

- (A) No person involved in any event of the Park and Recreation Department, including, but not limited to sponsors of teams thereof, shall commit an unfair discriminatory practice or deny another person access to, admission to, or utilization of, or benefit from any such event because of race, color, creed, religion, or national origin.
- (B) Exception. The provisions of Paragraph A above shall not apply to a religious organization with respect to qualifications based on religion, when religion shall be a bona fide qualification for membership.

(21) No person shall use tobacco products on City-owned athletic play fields, including their spectator areas, while the fields are being used for organized youth athletic events or organized adult recreational events. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(22) No person shall use tobacco products on City-owned property during City sponsored cultural programs such as Arts in the Park, Summer Fete and River Rendevous. The Park Director may permit the use of tobacco products for special events such as historical programs and theatrical productions if such use is an integral part of the event. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(23) City-Owned Parks, Open Spaces and Recreation Areas -

- (A) No person shall use tobacco products on City-owned golf courses and on the exterior premises of the Bloomington Ice Garden. These areas shall be posted by appropriate signs and markers as directed by the Park Director.
- (B) No person shall use tobacco products on City-owned parks, conservation areas and open spaces, including trails used for walking and biking. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(C) No person shall use tobacco products at City-owned picnic shelters during private rentals of these facilities. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(D) This Section does not apply to the use of tobacco products in motor vehicles parked on the premises of City-owned parks, conservation areas, open spaces and recreational facilities.

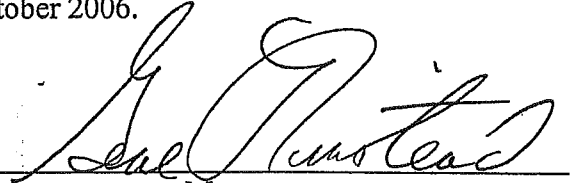
**SEC. 5.22. PENALTY.**

Any person violating subsections (9) OR (14) shall be guilty of a misdemeanor, all other violations of this Article shall be punishable as a petty misdemeanor.

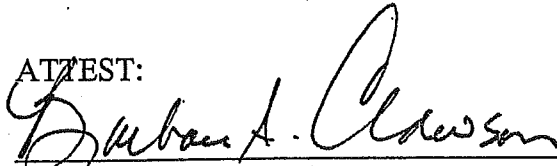
**SEC. 5.22.01. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Article. The City Council hereby declares that it would have adopted this Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.


Passed and adopted this 9<sup>th</sup> day of October 2006.

  
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Mayor

ATTEST:

  
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Secretary to the Council

APPROVED:

  
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City Attorney