

ORDINANCE NO. 709

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 38-1, "SMOKING AND VAPING PROHIBITED" OF ARTICLE I "IN GENERAL" IN CHAPTER 38 "OFFENSES AND MISCELLANEOUS PROVISIONS" TO EXPAND THE DEFINITION OF SMOKING TO INCLUDE VAPING AND MARIJUANA AS BEING PROHIBITED.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Amendment. That Section 38-1 titled "Prohibited Smoking" of Chapter 38, Article I "In General" is hereby repealed and readopted to hereafter read as follows:

CHAPTER 38 OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE I. IN GENERAL

Section 38-1. Smoking and Vaping Prohibited.

(a) Definitions.

- (1) "Smoking or Vaping" means possessing a cigarette, e-cigarette, cigar, pipe or similar apparatus that contains tobacco, marijuana, cannabis or any other product that is lighted or burning; lighting a cigarette, e-cigarette, cigar, pipe or similar apparatus that contains tobacco, marijuana or cannabis or any other burning product that is contained in a pipe, cigar, cigarette, e-cigarette, or similar apparatus.
- (2) "City Building" means any building or structure owned, managed, operated, and/or leased by the City of Riverview.

(b) Smoking prohibited locations.

- (1) A person shall not smoke, vape, or use tobacco, marijuana or cannabis products on any city-owned property or in any city owned building or facility, including, but not limited to, any park, outdoor athletic or recreational complex, trail, pathway, cemetery, or on any public property unless specific areas are designated as allowed by resolution regarding tobacco only.
- (2) A person shall not smoke, vape, or use tobacco, marijuana or cannabis products in any city owned parking lots when used for community events unless specific areas are designated as allowed by resolution regarding tobacco only.

(c) Signs.

Signs may be posted where smoking and the use of tobacco, marijuana or cannabis products are prohibited, but the absence of posted signs does not invalidate this ordinance.

(d) Violations and penalties.

A person who violates or fails to comply with this Section shall be subject to any one or more of the following:

- (1) Being asked to stop smoking or using the tobacco product;
- (2) Being asked to leave the premises;
- (3) Being responsible for a civil infraction punishable by a fine of \$100 plus court costs for the first offense, \$200.00 plus court costs for the second offense, and \$300.00 plus court costs for any violation thereafter.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Codification; Scrivener's Errors:

- (a). Article I of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

ARTICLE VI. Reading and Publication: This Ordinance shall be given a first reading on March 18, 2019 shall be given a second reading on April 1, 2019, shall be adopted on April 1, 2019 and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 1st day of April, 2019.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on April 1, 2019.

Cynthia M. Hutchison, City Clerk