

## ORDINANCE

An Ordinance to amend Section 14.270 of the Manitowoc Municipal Code regulating Smoking and Tobacco Products and Section 8.230, Regulation of Parks and Related Facilities.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 8.230 is amended to read as follows:

(1) Alcohol Beverages.

(a) No person shall possess or consume alcoholic beverages, wine or fermented malt beverages in Washington Park, Union Park, Riverview Park, Pulaski Park, Lincolnshire Park, Schuette's Park, Custerdale Playground, Union Park Playground, Mariner's Landing, Manitowoc Youth Baseball Complex at Citizen Park, or Municipal Athletic Field, except where the person has obtained possession of fermented malt beverages from the holder of a Class "B" license authorizing the sale of such beverages at such park. This prohibition shall extend to the sidewalks in and immediately adjacent to the parks listed above, except that it shall not be a violation of this section if any person possesses wine or alcoholic beverages on such sidewalks in the original unopened containers.

(b) No person shall possess or consume any alcoholic beverages, wine or fermented malt beverages on the sidewalks surrounding the parks named in subsection (1)(a) of this section except that it shall not be a violation of this section if a person possesses the beverages on the sidewalks in their original unopened containers or if a person has obtained permission from the Special Events Committee/Common Council to possess alcoholic beverages in the above-named parks."

**Section 2.** Section 14.270 is amended to read as follows:

**"14.270 Smoking and Tobacco Products.**

**(1) Definitions.** As used herein, to **smoke** means to burn, hold, inhale, exhale, or carry a lighted cigar, cigarette, pipe or any other lighted smoking equipment. The term **smokeless tobacco** means any tobacco which is used by means other than smoking.

**(2) Smoking Prohibited in Enclosed Spaces.** Effective July 5, 2010, the City of Manitowoc hereby adopts and incorporates by reference Wis. Stat. § 101.123, as amended from time to time, prohibiting smoking in enclosed places.

**(3) Smoking on School Property Prohibited.** No person may smoke or use smokeless tobacco or electronic cigarettes on any property owned or rented by, or under the control of, the Manitowoc Public School District, except that the school board may allow the use of tobacco products on premises owned by the school district and rented to another person for noneducational purposes. The City of Manitowoc hereby adopts and incorporates by reference Wis. Stat. § 120.12(20), as amended from time to time, prohibiting tobacco on school property.

**(4) Careless Smoking Prohibited.** Any person who, by smoking or attempting to light or to smoke cigarettes, cigars, pipes, tobacco or any other product in any manner, shall through carelessness, recklessness or negligence set fire to any building or the contents thereof so as to endanger life or property in any way or to any extent shall be guilty of a violation of this section.

**(5) Smoking at Certain Outdoor Locations.** No person may smoke or use smokeless tobacco or electronic cigarettes at or within fifty feet of the Manitowoc Youth Baseball Complex at Citizen Park.

**Section 3.** This ordinance shall take effect the day after publication.

Introduced \_\_\_\_\_ Adopted \_\_\_\_\_ Approved \_\_\_\_\_

\_\_\_\_\_  
Justin M. Nickels, Mayor

<b>Fiscal Impact:</b>	\$0
<b>Funding Source:</b>	n/a
<b>Finance Director Approval:</b>	/sc
<b>Approved as to form:</b>	/kmm

This resolution was drafted by Elizabeth Majerus, Staff Attorney

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