

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 16-04**

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE TO PROHIBIT  
SMOKING ON CITY OWNED OR OPERATED PROPERTY

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WHEREAS, the Tigard City Council has general supervision, management, and control of all City property; and

WHEREAS, smoking near building entrances, air intakes, and gathering areas near buildings negatively affects the public health; and

WHEREAS, state law prohibits smoking within 10 feet of all entrances, exits, windows that open, and air intakes on all public places or places of employment; and

WHEREAS, City Council wishes to expand the state law and prohibit smoking on all City owned or operated property; and

WHEREAS, City Council believes it is appropriate to phase-in implementation of this ordinance in order to allow for greater community outreach.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Section 7.82 of the Tigard Municipal Code is hereby created, as provided in Exhibit A.

SECTION 2: This ordinance shall be effective July 1, 2016.

SECTION 3: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

PASSED: By majority vote of all council members present after being read by number and title only, this 26<sup>th</sup> day of January, 2016.

Carol A. Krager  
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this 26<sup>th</sup> day of January, 2016.

  
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John L. Cook, Mayor

Approved as to form:  
  
\_\_\_\_\_  
City Attorney

1/27/16  
\_\_\_\_\_  
Date

# TIGARD MUNICIPAL CODE

## Chapter 7.82 SMOKING.

### Sections:

**7.82.010 Policy Of City Council.**

**7.82.020 Definitions.**

**7.82.030 Prohibited Conduct.**

**7.82.040 Penalty For Violation.**

**7.82.010 Policy Of City Council.**

The City Council declares its intention to exercise general supervision, management and control of all City owned and operated property and to prevent and prohibit conduct that interferes with serving the public and to preserve the enjoyment, safety, comfort, and convenience of the public and City employees.

**7.82.020 Definitions.**

As used in this chapter, unless the context requires otherwise:

- (1) "City" means the City of Tigard.
- (2) "Smoke" means to inhale, exhale, or possess any lighted or burning cigar, cigarette, pipe, weed, plant, or other substance grown, manufactured, or processed which is intended to be used for smoking in any form. "Smoke" also means to inhale, exhale, or possess an electronic cigarette or a similar device intended to emulate smoking.
- (3) "Smoking instrument" means any cigar, cigarette, pipe, electronic cigarette, or other smoking equipment.

**7.82.030 Prohibited Conduct.**

No person shall smoke or carry any lighted smoking instrument on any City owned or operated property. This prohibition shall not

extend to City rights of way.

**7.82.040 Penalty For Violation.**

Failing to comply with this chapter shall be a violation. The civil penalty for violation of this chapter shall not exceed \$100 for the first violation, and shall not exceed \$500 for subsequent violations within 12 months of a previous violation of this chapter. Each violation of this chapter shall constitute a separate offense.