

**CITY OF PINE ISLAND
GOODHUE AND OLMSTED COUNTIES
STATE OF MINNESOTA**

ORDINANCE NO. 175 SECOND SERIES

**AN ORDINANCE AMENDING CHAPTER 10 BY ADDING SECTION 10.50 RELATING
TO SMOKING IN PUBLIC PLACES**

THE CITY COUNCIL OF THE CITY OF PINE ISLAND DOES ORDAIN AS FOLLOWS:

Section 1. Section 10 of the City Code is amended by inserting the following language:

SEC. 10.50 SMOKING IN PUBLIC PLACES

Subd. 1. Purpose. The purpose of this Section is to protect the public health, safety, and welfare of citizens, and to promote a safe and healthy environment for vulnerable populations including employees, children, the elderly, and those with chronic health conditions; and to provide an environment that is free from the effects of tobacco and other smokeable products and their associated health risks.

Subd. 2. Definitions. The following terms, as used in this section, shall have the meanings stated:

A. "Food Establishment" means any establishment, however designated, engaged in the preparation or serving of food for consumption either on or off the premises; or anywhere consumption of food occurs on the premises.

B. "Liquor Establishment" means an establishment that has an on sale 3.2 percent malt liquor license issued pursuant to Minn. Stats. § 340A.403, as amended from time to time, or an on sale intoxicating liquor license issued pursuant to Minn. Stats. § 340A.404, as amended from time to time.

C. "Place of Work" means any location at which two or more individuals perform any type of a service for consideration of payment under any type of employment relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. The term "place of work" includes any location where two or more individuals gratuitously perform service for which individuals are ordinarily paid. Examples of a place of work include, but are not limited to an office, a public conveyance, a factory, a warehouse, or a similar place of work.

D. "Proprietor" means the party, regardless of whether the party is owner or lessee of the place of work or public place, who ultimately controls, governs, or directs the activities within the place or work or public place. The term "proprietor" does not mean the owner of the property unless the owner ultimately controls, governs, or directs the activities

within the public place. The term "proprietor" may apply to a corporation as well as an individual.

E. "Public Place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities other than public schools, hospitals, nursing homes, auditoriums, arenas, meeting rooms, and common areas of rental apartment buildings.

F. "Smoking" means the inhaling, exhaling, or combustion of any pipe, cigarette, cigar, tobacco product, weed, plant, or any other similar article. Smoking includes possessing or carrying a lighted pipe, cigarette, cigar, or any other lighted smoking equipment. For purposes of this section, the definition of smoking includes the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device as defined in Minn. Stats. § 609.685, subd. 1.

Subd. 3. Prohibition. Smoking is prohibited in the following locations:

A. Public places and places of work, including both indoor and outdoor dining areas of liquor and food establishments

B. Within 25 feet of entrances, exits, open windows, and ventilation intakes of public places and places of work

C. Within 25 feet of any outdoor dining area at any liquor or food establishment.

D. Public parks and recreation facilities and their adjacent parking lots.

Subd. 4 Exemptions. The prohibitions of this section shall not apply to the following:

A. Private Residences.

B. Locations where smoking is expressly authorized by State or Federal law or rule.

C. Motor vehicles.

D. The use of tobacco as part of a recognized religious activity or ceremony.

Subd. 5. Private Prohibitions. Nothing in this section prevents the proprietor or other person in charge of any place, including, without limitation, any residence, motor vehicle, or outdoor space, from prohibiting smoking in any such place.

Subd. 6. Other Laws. This article is intended to complement the Minnesota Clean Indoor Air Act, Minn. Stats. §§ 144.411—144.417, as amended from time to time. Nothing in

this article authorizes smoking in any location where smoking is prohibited or restricted by other laws.

Subd. 7. Violations and Penalty. Any person who violates this Section by smoking in a No Smoking area is guilty of a petty misdemeanor, shall not be entitled to a jury trial, and upon conviction thereof is not subject to imprisonment but shall be punishable by a fine.

Section 2. This ordinance shall take effect and be in force immediately after its passage and publication in accordance with applicable law.

Adopted this 17th day of December 2024

ATTEST:

David Friese, Mayor

Elizabeth Howard, City Administrator

MOTION:

AYE:

SECOND:

NAY:

Published this 24th day of December 2024