



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/11/25

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

DISCUSSION:

The restrictions contained in this Ordinance O-2425-11 come directly from those contained and allowed in 63 O.S. § 1-1527, et seq. Such statute establishes restrictions that must be followed and cannot be more restrictive than the State law, and also allows the City to enact laws restricting smoking on properties owned or operated by the City.

A brief overview of the proposed amendments to Article 16-V follows:

- (1) Amending the title from “Tobacco” to “Smoking in Public”
- (2) **16-501 Purpose:** The amendments to this section involve establishing the prohibition of smoking or carrying any lighted smoking instrument in or on municipal property in the purpose of the ordinance.
- (3) **16-502 Definitions:** The amendments to this section consist of:
 - 1) General formatting edits (capitalizations, consistent numbering schemes, gender neutral terms, etc.);
 - 2) The addition of three new definitions for terms used throughout the ordinance (Municipal Property, Tobacco Product, and Vapor Product); and
 - 3) The removal of an exclusion in the definition of Public Park (parking lots and Westwood Golf Course) as the purpose of the amendments to this ordinance are to prohibit smoking activities on all municipal property.
- (4) **16-503 Smoking in Certain Public Places Prohibited:** The amendments to this section involve:
 - 1) Updating language to achieve the goal of prohibiting smoking activities on all municipal property by clearly outlining the prohibition in subsection (b) and removing previous exceptions for certain municipal property (subsections (c-e));
 - 2) General formatting edits; and
 - 3) Updates to the signage requirements: indoor areas requirements remain the same and are just reorganized in subsection (f)(1); outdoor municipal property requirements are added in subsection (f)(2); and general requirements are outlined in subsection (f).
- (5) **16-504 Enforcement/Penalties:** The amendments to this section include moving the penalty information currently in section 16-508 into this section and then adding two new subsections which outline enforcement aspects.
- (6) **16-505-508:** These sections existed in previous versions of this ordinance and will thereby be left as “Reserved.”

(7) **Appendix B City Of Norman Penalty And Fine Schedule:** Amended chapter 16 section of the appendix to match the penalties established in section 16-504 and remove the fines no longer existing.

RECOMMENDATION:

Staff forwards Ordinance O-2425-11 to Council for consideration.