

MOTION TO AMEND RESOLUTION 23-020-O

BY COUNCILORS HOBBS AND ALSTEAD:

We move to amend Section 3 of Ordinance 23-020-O as follows (proposed amendment in red):

Section 3. That Chapter 28, Article VII, Section 28-64, of the Duluth City Code be amended as follows:

**Sec. 28-64. Ingesting a prohibited substance--prohibited in certain places.**

(a) No person shall ingest by smoking or chewing any prohibited substance at or in any of the following locations:

- (1) Anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act;
- (2) Inside any Duluth Transit Authority transit shelter;
- (3) Within 15 feet from the nearest point of any Duluth Transit Authority transit shelter which displays at least two signs visible from the exterior of the shelter providing notice of this prohibition, said 15 feet measured in a straight line of constant elevation;

~~(4) Anywhere in Wade Stadium that is open to the public except in areas designated for such consumption;~~

~~(54)~~ Within 100 feet of the nearest property line of a medical facility, said 100 feet measured in a straight line of constant elevation; provided that this prohibition does not apply to a person inside an enclosed motor vehicle in motion on a public street or alley;

~~(65) On the Lakewalk, on Gichi-Ode' Akiing (Lake Place) or in Leif Erickson Park~~  
~~In any public park, unless a permit has been issued for the area pursuant to Section 35-9(a)(4);~~

~~(76)~~ Within the Clayton Jackson McGhie Memorial except as permitted by Minnesota Statutes §144.4167, Subdivision 2;

~~(8) Within the indoor area of any establishment with a retail tobacco license, including smoking for the purpose of sampling prohibited substances;~~

~~(9) In Central Hillside Park;~~

(b) Any person violating this Section is guilty of a petty misdemeanor or may be penalized under Chapter 12 of the Duluth City Code, 1959, as amended;

(c) Signage to enforce the provisions of this ordinance shall be approved by the city of Duluth.