

*June 6, 2026*

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA, AMENDING CHAPTER 12, OFFENSES, ARTICLE VII, OFFENSES AGAINST PROPERTY, SECTION 12-120, SMOKING PROHIBITIONS, AND CHAPTER 13, PARKS AND RECREATION, ARTICLE I, IN GENERAL, SECTION 13-6, PROHIBITED ACTS, OF THE BARTLESVILLE MUNICIPAL CODE; REGULATING SMOKING AND THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS ON MUNICIPAL PROPERTY; PROVIDING FOR REQUIRED SIGNAGE, ENFORCEMENT, PENALTIES, NUISANCE DECLARATIONS, STATUTORY CONSTRUCTION, SEVERABILITY, AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Bartlesville finds that smoking, tobacco use, and vapor product use can affect the public health, safety, and welfare of residents, employees, and visitors who use City facilities, parks, trails, recreation areas, vehicles, equipment, and other City-owned or City-operated property; and

**WHEREAS**, Oklahoma law prohibits smoking in certain public places and indoor workplaces and permits municipal governing bodies to designate buildings and other properties owned or operated by a municipal government as entirely nonsmoking; and

**WHEREAS**, the City Council finds that the use of tobacco products and vapor products on City property can expose non-users, including children, to secondhand smoke, aerosol, and related waste, and can create an unhealthy example in places where people work, play, and learn; and

**WHEREAS**, the City Council desires to update the City's existing smoking regulations to more closely align with the Sample Tobacco-, Smoke-, and Vapor-Free Ordinance for Local Government Property provided by the Tobacco Settlement Endowment Trust while remaining subject to applicable state and federal law; and

**WHEREAS**, the City Council finds that the purpose of this ordinance is to supplement applicable state and federal law, to promote a healthier environment on municipal property, and to provide clear, locally enforceable standards for smoking and the use of tobacco products and vapor products on City property.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA:**

**Section 1. Code Amendment.** That Chapter 12, Offenses, Article VII, Offenses Against Property, Section 12-120, Smoking Prohibitions, of the Bartlesville Municipal Code is hereby amended to read as follows:

**Sec. 12-120.** Tobacco-, Smoke-, and Vapor-Free Municipal Property.

(a) Intent and application. It is the intent of the City Council, in enacting this section, to provide for the public health, safety, and welfare by discouraging smoking and the use of tobacco products and vapor products around non-users, especially children; protecting the public from exposure to secondhand smoke and vapor product aerosol where people work, play, and learn; reducing litter and waste associated with smoking, tobacco products, and vapor products; and affirming a healthier environment on municipal property. This section applies to municipal property owned or operated by the City of Bartlesville, whether located within or outside the corporate limits of the City, to the fullest extent permitted by applicable state and federal law.

(b) Adoption of state law. The City hereby adopts by reference, as now existing or as may hereafter be amended, the provisions of the Oklahoma Smoking in Public Places and Indoor Workplaces Act, 63 O.S. § 1-1521 et seq., related provisions of 21 O.S. § 1247, and any applicable rules adopted by the State of Oklahoma or the Oklahoma State Department of Health to implement such provisions. Nothing in this section shall be construed to authorize conduct prohibited by state law or to impose smoking restrictions in a manner preempted by state law.

(c) Definitions. For purposes of this section, the following words and phrases shall have the meanings set forth below unless the context clearly requires otherwise:

**Indoor Area** means any enclosed area used or visited by City employees or the public, regardless of whether work is being performed. Indoor Area includes, but is not limited to, offices, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, storage areas, and any space between a floor and ceiling that is predominantly or totally enclosed by walls, windows, doors, doorways, stairways, or similar barriers.

**Municipal Property** means all buildings, Indoor Areas, Outdoor Areas, parks, parkways, trails, recreation areas, open space lands, parking areas, vehicles, equipment, and other real or personal property, or portions thereof, owned, leased, operated, maintained, controlled, or under the jurisdiction of the City of Bartlesville.

**Outdoor Area** means any area that is not an Indoor Area and includes, but is not limited to, parks, parkways, trails, athletic fields, courts, playgrounds, aquatic facilities, splash pads, outdoor seating areas, parking areas, sidewalks, plazas, event areas, trailheads, and other outdoor recreational areas.

**Smoke or Smoking** means the carrying, holding, possession, lighting, burning, inhaling, or exhaling of a lighted or heated cigar, cigarette, pipe, hookah pipe, or other lighted or heated smoking device or product, whether natural or synthetic, when the apparent or usual purpose is human inhalation of smoke, gases, particles, or vapor. Smoking includes the use of an electronic smoking device or other vapor product to produce an aerosol or vapor for inhalation.

**Tobacco Product** means any product that contains tobacco and is intended for human consumption, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product and marketed and sold solely for that approved purpose.

**Vapor Product** means any noncombustible product, whether or not it contains nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism that can be used to produce a vapor, aerosol, or similar substance in a solution or other form. Vapor Product includes, but is not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic smoking devices, vapor cartridges, pods, tanks, or other containers of a solution intended to be used with such products.

**Smoking, Tobacco Product, or Vapor Product Waste** means any waste generated from Smoking or the use of Tobacco Products or Vapor Products, including but not limited to cigarette butts, cigar tips, packaging, cartridges, pods, containers, and related disposable materials.

(d) Prohibited conduct.

(1) No person shall Smoke a Tobacco Product in any location where Smoking Tobacco Products is prohibited by Oklahoma state law.

(2) No person shall Smoke or use any Tobacco Product or Vapor Product on any Municipal Property, whether indoors or outdoors, including parks, parkways, trails, recreational areas, open space lands, City vehicles, and City equipment.

(3) No person or entity shall knowingly permit Smoking or the use of Tobacco Products or Vapor Products in an area under that person's or entity's control if such conduct is prohibited by this section or by state law.

(4) No person or entity shall permit the placement of ash receptacles, including ash trays or ash cans, in an area under that person's or entity's control where Smoking is prohibited by this section or state law. The presence of an ash receptacle shall not be a defense to a violation of this section.

(5) No person shall dispose of Smoking, Tobacco Product, or Vapor Product Waste on Municipal Property except in a lawful waste receptacle located outside an area where Smoking and the use of Tobacco Products or Vapor Products is prohibited, if any such area exists.

(6) No person or entity shall intimidate, threaten, or otherwise retaliate against any person or entity that seeks to obtain compliance with this section.

(e) Private property. Nothing in this section prohibits any person or entity from prohibiting Smoking or the use of Tobacco Products or Vapor Products on property owned or controlled by that person or entity, even if such conduct is not otherwise prohibited by law in that area.

(f) Required signs.

(1) The City Manager, or the City Manager's designee, shall be responsible for causing signs to be posted on Municipal Property where Smoking and the use of Tobacco Products or Vapor Products is prohibited by this section.

(2) Signs for Indoor Areas shall be clear, conspicuous, and unambiguous and shall state that smoking, tobacco use, and vapor product use are prohibited or that a tobacco-, smoke-, and vapor-free environment is provided.

(3) Signs for Outdoor Areas shall be weather-resistant, clear, conspicuous, and unambiguous and shall state that smoking, tobacco use, and vapor product use are prohibited or that a tobacco-, smoke-, and vapor-free environment is provided.

(4) Notwithstanding this subsection, the presence, absence, size, wording, or condition of a sign shall not be a defense to a violation of this section.

(g) Enforcement and penalties.

(1) Enforcement of this section shall be the responsibility of the City of Bartlesville. Any peace officer, code enforcement official, park official, or other City employee designated by the City Manager may enforce this section to the extent authorized by law.

(2) Any person who knowingly violates this section shall be punished by citation and fine in accordance with the applicable penalty provisions of the Bartlesville Municipal Code; provided, however, that a fine for conduct governed by 21 O.S. § 1247 shall not be less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

(3) The possession of a lighted Tobacco Product in violation of this section is hereby declared a public nuisance.

(4) The use of a Vapor Product in violation of this section is hereby declared a public nuisance.

(5) Each instance of Smoking or the use of a Tobacco Product or Vapor Product in violation of this section shall constitute a separate violation.

(6) Causing, permitting, aiding, abetting, or concealing a violation of this section shall constitute a violation of this section.

(7) The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity, including but not limited to administrative enforcement, nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.

(h) Administration. The City Manager is authorized to promulgate reasonable rules, procedures, and administrative guidance not inconsistent with this section for implementation, signage, education, and enforcement on Municipal Property.

(i) Statutory construction. This section is intended to supplement applicable state and federal law and shall not be construed to duplicate, contradict, or exceed the authority granted to municipalities by applicable law. If any provision of this section conflicts with state or federal law, state or federal law shall control to the extent of the conflict, and the remaining provisions of this section shall remain in effect.

**Section 2. Code Amendment.** That Chapter 13, Parks and Recreation, Article I, In General, Section 13-6, Prohibited Acts, paragraph (12), of the Bartlesville Municipal Code is hereby amended to read as follows:

**(12) Smoking, Tobacco Products, and Vapor Products.**

- a. It shall be unlawful for any person to Smoke or use any Tobacco Product or Vapor Product in any park, parkway, trail, recreation area, open space land, playground, play court, play field, aquatic facility, splash pad, bleacher area, spectator area, trailhead, City vehicle, City equipment, or other Municipal Property under the jurisdiction or control of the City of Bartlesville, whether located within or outside the corporate limits of the City.
- b. For purposes of this paragraph, the definitions and regulations contained in Section 12-120 of this Municipal Code shall apply.
- c. A playground means any portion of public park land that is designed or equipped with play structures such as swings, climbing structures, slides, splash pads, water features, skate park features, or similar facilities, primarily but not exclusively set aside for children’s play or recreational use.
- d. A play field or play court means any portion of public park land that is designed, equipped, marked, or prepared for playing a game, sport, or match, including but not limited to soccer, football, baseball, softball, basketball, tennis, volleyball, pickleball, or similar recreational or competitive activity, whether fenced or unfenced.
- e. The City Manager, or the City Manager’s designee, may cause signs to be posted in parks and recreation areas consistent with Section 12-120. The absence of signage shall not be a defense to a violation.

**Section 3. Repealer.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

**Section 4. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Effective Date.**

This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Bartlesville, Oklahoma this 1st day of June, 2026.

**VOTE:**  
 MR. SHERRICK  
 MR. EAST  
 MR. KIRKPATRICK  
 VICE MAYOR DORSEY  
 MAYOR CURD

aye	no
aye	no
aye	no
aye	no
aye	no

JSCJ  
 MAYOR

ATTEST:



[Signature]  
 City Clerk