

ORDINANCE NO. 13-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING CHAPTER 12.48 OF THE ORANGE MUNICIPAL CODE PERTAINING TO PARKS TO UPDATE SECTIONS RELATED TO SMOKING AND/VAPING.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION I:

Section 12.48.015 of the Orange Municipal Code, "Streets, Sidewalks and Public Places – Park Ordinance -- Definitions," is hereby amended to read as follows:

12.48.015 Definitions.

For purposes of this chapter, the following terms shall have the meanings as set forth herein unless the context in which they are used clearly indicates a contrary meaning:

"Alcoholic beverage" shall mean alcohol, spirits, liquor, wine, beer, and every liquid or solid containing one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Athletic facilities" shall mean those areas of a park designated for the purposes of athletic play on or at facilities such as, but not limited to sports courts and fields.

"Camping" means the use of public streets or public property for living accommodation or habitation purposes such as sleeping activities, or making preparations to sleep, including, but not limited to, the laying down of bedding for purposes of sleeping or using or storing personal belongings such as non-designated City cooking equipment, camping stoves, portable barbecues, sleeping bags, cots, beds, hammocks, extra clothing, or personal items when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are, in fact, using the public street or public property for living accommodation or habitation purposes.

"Department" shall mean the City of Orange Community Services Department.

"Director" shall mean the Director of the Department of Community Services or their designee.

"Electronic smoking device" means any device that delivers an aerosolized or vaporized substance to the user, including but not limited to, electronic cigarettes, vape pens, or similar devices.

"Food distribution to the public" means a temporary operation or undertaking by a person for the purpose of offering, distributing, or dispensing with or without charge therefor, food and/or beverages for consumption by the general public which uses the park or park facility for such activity. This activity shall not include any contract, lease, or other agreement for a concession or similar operation or enterprise approved by the Director or City Council.

"Park" means any public park or any portion thereof, including body of water, land, recreation, playground area, or any building thereon within the City of Orange owned and maintained by the City as a public park whether or not such has been formally dedicated for such purpose.

"Person" shall mean every person, firm, corporation, group of persons, or organization.

"Pollution" means the contamination or other alteration of the physical, chemical, or biological properties of park lands and/or waters.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any plant product intended or inhalation, including cannabis.

SECTION II:

Section 12.48.120 of the Orange Municipal Code, "Streets, Sidewalks and Public Places – Park Ordinance – Rules and Regulations," is hereby amended to read as follows:

12.48.120 Rules and Regulations.

The Director shall issue from time to time as they deem necessary, rules and regulations to implement the provisions of this chapter. Such rules and regulations shall have the force of law, to the extent consistent with this Chapter and applicable law, and failure to obey such rules ~~same~~ shall be deemed a violation of the provisions of this chapter.

SECTION III:

Section 12.48.165 of the Orange Municipal Code, "Streets, Sidewalks and Public Places – Park Ordinance – Prohibited Activities," is hereby amended to read as follows:

12.48.165 Prohibited Activities.

No person shall:

- A. Skateboard in any Park except in the designated areas;
- B. Smoke or vape in any Park ~~within 25 feet of a playground, facility, or youth activity~~ including any trail within a park, open space, recreational facility, or parking area associated with a park. This prohibition includes the use of any lighted or heated tobacco, nicotine, or cannabis product, and the use of any electronic smoking device;

C. Gamble in any Park;

D. Use, sell or ~~possess~~ distribute any ~~drug~~ controlled substance in any Park, ~~including but not limited to marijuana/cannabis, cocaine, methamphetamine, heroin, LSD, ecstasy, ketamine, fentanyl and/or prescription painkillers which are not associated with a valid prescription for use/possession by the individual.~~ except as express authorized by state or federal law. Nothing in this section shall be interpreted to prohibit lawful possession of cannabis or prescription medications consistent with state law.

E. The smoking or vaping of cannabis is prohibited in all Parks pursuant to Subsection B.

SECTION IV:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION V:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2026.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Nathalie Adourian, City Attorney,
City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the _____ day of _____, 2026, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2026 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange