

Danville Town Field Ordinance Proposal Example Ordinance

11/5/2108

Whereas the *Town of Danville* has set as a goal to be a safe and healthy place to live and work by restricting the use of tobacco/marijuana and alcohol from the *Danville Town field*; and

Whereas tobacco use is the foremost preventable cause of premature death in the United States, causing over 400,000 deaths in the United States each year; and

Whereas the Surgeon General of the United States of America has stated there no safe level of exposure to secondhand smoke; and

Whereas Tobacco/Substance-Free Policies support tobacco/substance-free lifestyles and encourage tobacco/substance users to quit, the following article is to be adopted.

Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

- Electronic smoking device means any electronic product, not prescribed by a doctor that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen, JUUL, Teardrop or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately.
- Danville Town Field means a community field or playground designed at least in part to be used by children that has play or sports equipment installed or that has been designed or landscaped for play, sports, or leisure community activities on grounds owned, occupied or operated by the municipality.
- Public property and places means any person or vehicle, on or within the Danville Town Field property owned by the Town of Danville.
- Secondhand smoke means smoke emitted from a lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form, when the smoker is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the smoker. Secondhand smoke also includes aerosol or vapor from the use of an electronic smoking device emitted, in any manner or in any form, when the smoker is not inhaling, at the mouthpiece during puff drawing, and when the smoker is exhaling.
- Smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoked marijuana products including, but not limited to, edibles and dabs are also included in this policy.
- Tobacco is defined as all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and

dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems. Tobacco-free area policies change the social norm around tobacco use and promote tobacco-free living. E-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

- Vaping means the use of an electronic smoking device i.e. JUUL, which creates an aerosol or vapor, in any manner or in any form.
- Alcohol means the possession and/or consumption of the colorless volatile flammable liquid that is produced by the natural fermentation of sugars and is the intoxicating constituent of wine, beer, spirits, and other drinks.
- Substances refers to Illegal drugs or drugs which have legal limitations on their ownership or use or any mind or body altering, mood enhancing substance such as marijuana or alcohol. They are illegal in certain situations (meaning a person is not allowed to have them). A drug is any chemical that alters or affects the human body or mind when it is swallowed, breathed in, or consumed in another way.

Regulations

- Pursuant to section [xxx] of the Town of Danville Code, the [applicable personnel] may promulgate rules and regulations in accordance with the provisions contained in this article and such other rules and regulations as may be necessary for the purpose of implementing and carrying out the provisions of this article.
- Smoking, vaping, and the use of all tobacco, marijuana, electronic smoking devices and alcohol is prohibited in all areas of the Danville Town Field recreational area and sporting venue, and public property and place 24 hours a day 365 days per year.
- Additionally, the discarding of cigarettes, cigar butts, pods, joints, cans and bottles onto the ground is unsightly, unclean and particularly hazardous to young children and wildlife. Disposal of such materials is prohibited.

Exemptions

- The prohibition of smoking/vaping/consumption of alcohol within park limits shall not apply to: Any person(s) and/or company/organization who applies, pays a waste fee and is granted a special license to allow smoking/vaping/consumption of alcohol from the Town of Danville to hold a public event, provided that there be signage and publicity through local mass media clearly and conspicuously warning patrons and passersby that smoking/vaping/consumption of alcohol is permitted within this leased space from such marked person(s) and/or company/organization.
- Violations of Exemptions means any person, entity, business, organization, or group function without proper license to hold an organized event/gathering shall be a civil ordinance violation punishable by a penalty of one hundred and fifty dollars (\$150.00), the waiver penalty for which shall be one hundred and fifty dollars (\$150.00).

Communication & Enforcement

(a) Notice Tobacco/Substance-Free Recreational Area Policy. Substance-Free signs shall be clearly and conspicuously posted in key areas of every location prohibited by this article.

(b) No discrimination or retaliation. An individual, person, entity, or business establishment subject to the prohibitions of this article shall not discriminate or retaliate in any manner against a person for making a complaint regarding a violation of this article or for furnishing information concerning a violation to an enforcement authority.

(c) Enforcement. Law Enforcement and the Town of Danville Enforcement Officer shall have the power to enforce the provisions of this article and issue violations and penalties according to the law. The Citizens of Danville, team coaches, team players, students of Danville, and Danville School staff may verbally enforce the provisions of this section and ask a violator to vacate the premises with no penalties.

(d) Violations and penalties. Prior to the issuance of a Vermont Municipal Complaint, a law enforcement officer may warn the person to be issued of the prohibition and ask the person to cease smoking. The failure to immediately stop smoking within Danville Town Field after such warning shall be a civil ordinance violation punishable by a penalty of twenty-five dollars (\$25.00), the waiver penalty for which shall be twenty-five dollars (\$25.00). Law enforcement officers shall not be required to issue additional warnings to any person who has been previously warned of the prohibitions in this section and a person so previously warned who engages in the activity prohibited by this section.

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