

HEALTH -
Smoking in City Parks

That Chapter 17, Health, of the Code of Ordinances of the City of Burlington be and hereby is amended by adding new Sec. 17-8A thereto to read as follows:

Sec. 17-8A. Smoking prohibitions at City parks.

(a) Purpose. The purpose of this section is to protect the public health, safety, and welfare by prohibiting smoking in areas of City parks where people congregate and assemble for recreation, leisure and other purposes.

(b) Definitions.

(1) "Tobacco products" shall mean cigarettes, cigars, cheroots, stogies, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco prepared in a manner suitable for smoking in a pipe or otherwise or for smoking.

(2) "Smoking" shall mean possession of lighted tobacco products.

(3) "Parks" shall mean all parks within the city limits as enumerated under section 22-1 of the Burlington Code of Ordinances.

(c) Prohibited. Except as otherwise provided herein, smoking is prohibited at all City park playgrounds, shelters, beaches, bleachers and athletic fields. These locations, as identified by the Director of Parks and Recreation and to be buffered by an additional 25 feet beyond their physical boundaries, shall be designated

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as smoke-free areas. Additionally, it shall be within the discretion of the Director of Parks and Recreation to designate specific smoke-free areas within any campground at a City park. The possession of lighted tobacco products in any form is prohibited in the above referenced smoke-free areas.

(d) *Posting; supervision.* The City shall properly post and maintain "No Smoking" signs or the international "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) clearly and conspicuously throughout the designated smoke-free areas. The color of such signs, when not of the international type, shall have lettering that is distinct, contrasting to the background and easily read. These signs shall be placed so as to inform but not detract from the designated smoke-free areas.

(e) *Enforcement.*

(1) Any person convicted of a violation or violations of this section shall be subject to a civil penalty, the fine for which shall be no less than fifty dollars (\$50.00) and no more than two hundred dollars (\$200.00), with a waiver penalty of fifty dollars (\$50.00), for each such violation.

(2) All municipal officials duly authorized to issue Vermont Municipal Complaints are authorized to issue complaints for violations of this section.

* Material underlined added.