

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Councilors Shannon,

Bushor, Kranichfeld: Ordinance Committee

Public Hearing Dates _____

In the Year Two Thousand Eleven

First reading: 12/19/11

Referred to: Ordinance Committee

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

HEALTH--

Smoking in outdoor places prohibited

It is hereby Ordained by the City Council of the City of Burlington, as follows:

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

Sec. 17-8B. Smoking in outdoor places prohibited

(a) Purpose. The purpose of this ordinance is to protect the health of residents and visitors by limiting and eliminating exposure to secondhand smoke in outdoor places.

(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.

(c) Prohibited activity. Smoking shall be prohibited outdoors everyday from 9:00 a.m. to 9:00 p.m. in the area bounded by Pearl St. on the north, South Winooski St. on the east, King St. on the south and Pine St. on the west, with the centerline of each street serving as the boundary line.

(d) Exceptions. The prohibition of smoking within the area designated for no smoking shall not apply to:

(1) Private property.

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(2) Outdoor sidewalk space leased or licensed from the city of Burlington, provided that there be signage clearly and conspicuously warning patrons and passersby that smoking is permitted within this leased space.

(3) A designated smoking area within City Hall Park as determined by the city council.

(e) Enforcement. Any law enforcement officer may enforce the provisions of this ordinance. Prior to the issuance of a Vermont Municipal Complaint, a law enforcement officer shall warn the person to be issued of the prohibition and ask the person to cease smoking. The failure to immediately stop smoking in the prohibited smoking area after such warning shall be a civil ordinance violation punishable by a penalty of fifty dollars (\$50.00), the waiver penalty for which shall be fifty dollars (\$50.00). Law enforcement officers do not need to issue additional warnings to any person who has been previously warned of the prohibitions in this ordinance and a person so previously warned who engages in the activity prohibited by this ordinance shall be in violation of the ordinance, subject to a civil ordinance penalty of one hundred (\$100.00), the waiver penalty for which shall be fifty dollars (\$50.00).

* Material underlined added.