

**199. AN AMENDMENT TO ORDINANCE #199 “ORDINANCE CONCERNING SMOKING/VAPING IN CITY OWNED PUBLIC BUILDINGS, PARKS, AND RECREATION AREAS”
(AMENDMENT INITIALLY APPROVED JANUARY 3, 2023; FINALLY APPROVED FEBRUARY 6, 2023)**

WHEREAS, it is the intent of the City of Groton to control exposure to second hand smoke/vapor as well as any tobacco/vaping waste product, by prohibiting smoking/vaping at certain locations in addition to those identified under State and Federal law; and

WHEREAS, the intent and purpose of prohibiting smoking/vaping at the locations identified in this ordinance is to protect the public health, safety and welfare by reducing exposure to second hand smoke/vapor and tobacco/vaping waste product; and

Section 1. Definitions

- a. Smoke or Smoking shall mean the burning of a lighted cigarette, cigar, pipe or any other similar device, whether containing, wholly or in part, tobacco, cannabis, or hemp.
- b. Vape or Vaping Device shall mean any device that employs a heating element, power source, electric circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and is inhaled by the user of such product.
- c. Electronic Nicotine/Cannabis Device shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or cannabis to a person inhaling from the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hooka and any related device and any cartridge or other component of such device.
- d. Tobacco/Cannabis products shall mean:
 - 1.) any substance containing tobacco/cannabis or any tobacco/cannabis product in smoking/vaping forms, but not limited to light cigarettes, hookah tobacco, sniff, snus, chewing tobacco, dipping tobacco, cigars, pipe tobacco, vape pen, electronic nicotine delivery systems or any other preparation of tobacco.
 - 2.) any product of formulation of matter containing biologically active amounts of nicotine that is manufactured, sold or offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.
- e. Park or recreation area shall mean any outdoor area owned or operated by the City of Groton and open to the general public for primary recreational purposes, regardless of any fee or age requirement including but not limited to beaches, picnic areas, playgrounds, sports or athletic fields, bleachers, walking paths, gardens, hiking trails, bike paths and dog parks. A park or recreational area shall not include any paved public sidewalk immediately abutting the boundary of the park or recreational area or any other designated (posted) area.

Section 2. Prohibited locations include:

- 1.) In any area of a building or portion of a building owned and operated or leased and operated by the City of Groton or any political subdivision thereof.
- 2.) in any area of a health care facility, including, but not limited to, a psychiatric facility
- 3.) in any area of a retail establishment accessed by the general public
- 4.) in any restaurant
- 5.) in any area of an establishment with a permit issued for the sale of alcoholic liquor
- 6.) in any area of a school building or on the grounds of such school
- 7.) within a child care facility or on the grounds of such child care facility,
- 8.) in any passenger elevator
- 9.) in any area of a dormitory in any public or private institution of higher education

- 10.) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging or in any area of a halfway house

Section 3. Posting of Signs

Every location subject to the prohibition set forth in Section 1(a), must have one or more conspicuously displayed signs stating that smoking is prohibited in the outdoor areas. Such signs must have text and/or graphics to clearly indicate that smoking is prohibited in the outdoor area and include appropriate City of Groton municipal code citation. Any text must be clearly contrasted with the background and must be a minimum of one inch in height. The text must state “NO SMOKING” with a symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. Such signs shall be posted in a quantity and manner reasonably likely to inform individuals occupying the area that smoking is prohibited within the area and must be made of permanent, weather resistant materials. Designated smoking areas, where appropriate, will be clearly marked.

Section 4. Enforcement

- a. any authority having jurisdiction to enforce city ordinances shall have authority to enforce the provisions of this article.
- b. any citizen who desires to register a complaint under the article may initiate enforcement with the City by contacting the City of Groton Police Department directly.

Section 5. Violations

Any person who violates any provision of this Ordinance shall be subject to a fine of \$120.00 per violation.

WHEREAS, the amended Ordinance No. 199 will be titled “An Ordinance Concerning Smoking/Vaping in City Owned Public Buildings, Parks, and Recreation Areas”; and

WHEREAS, this Ordinance will become effective upon passage;

WHEREAS, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on January 6, 2023 and January 7, 2023;

THEREFORE, BE IT RESOLVED that the Mayor and Council Finally approve “An Ordinance Concerning Smoking/Vaping in City Owned Public Buildings, Parks, and Recreation Areas”.

ORIGINAL ORDINANCE

**ORDINANCE #199 “ORDINANCE CONCERNING SMOKING IN CITY OWNED PUBLIC PARKS AND RECREATION AREAS”
(AMENDMENT INITIALLY APPROVED MAY 20, 2013; FINALLY APPROVED JUNE 17, 2013)**

WHEREAS, it is the intent of the City of Groton to control exposure to second hand smoke by prohibiting smoking at certain locations in addition to those identified under State and Federal law; and

WHEREAS, the intent and purpose of prohibiting smoking at the locations identified in this ordinance is to protect the public health, safety and welfare by reducing exposure to second hand smoke; and

Section 1. Definitions

- a. **Park or recreation area** shall mean any outdoor area owned or operated by the City of Groton and open to the general public for primary recreational purposes, regardless of any fee or age requirement including but not limited to beaches, picnic areas, playgrounds, sports or athletic fields, bleachers, walking paths, gardens, hiking trails, bike paths and dog parks. A park or recreational area shall not include any paved public sidewalk immediately abutting the boundary of the park or recreational area or any other designated (posted) area.
- b. **Tobacco paraphernalia** shall mean cigarette papers or wrappers, pipes, holders of smoking materials of all types, and any items designed for smoking, preparation, storing or consumption of tobacco products.
- c. **Tobacco products** shall mean:
 - 1.) any substance containing tobacco leaf, including but not limited to cigarettes, hookah tobacco, sniff, chewing tobacco, dipping tobacco, cigars, pipe tobacco, or any other preparation of tobacco.
 - 2.) any product of formulation of matter containing biologically active amounts of nicotine that is manufactured, sold or offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Section 2. Posting of Signs

Every location subject to the prohibition set forth in Section 1(a), must have one or more conspicuously displayed signs stating that smoking is prohibited in the outdoor areas. Such signs must have text and/or graphics to clearly indicate that smoking is prohibited in the outdoor area and include appropriate City of Groton municipal code citation. Any text must be clearly contrasted with the background and must be a minimum of one inch in height. The text must state “NO SMOKING” with a symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. Such signs shall be posted in a quantity and manner reasonably likely to inform individuals occupying the area that smoking is prohibited within the area and must be made of permanent, weather resistant materials. Designated smoking areas, where appropriate, will be clearly marked.

Section 3. Enforcement

- a. any authority having jurisdiction to enforce city ordinances shall have authority to enforce the provisions of this article.
- b. any citizen who desires to register a complaint under the article may initiate enforcement with the City by contacting the City of Groton Police Department directly.

Section 4. Violations

Any person who violates any provision of this Ordinance shall be subject to a fine of \$120.00 per violation.

WHEREAS, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on May 24, 2013 and May 25, 2013;

WHEREAS, this Ordinance will become effective upon passage;

THEREFORE, BE IT RESOLVED that the Mayor and Council finally approve “An Ordinance Concerning Smoking in City Owned Public Parks and Recreation Areas”.

Initially Approved: May 20, 2013

Finally Approved: June 17, 2013


Marian K. Galbraith, Mayor


Debra Patrick, City Clerk