

**199. RESOLUTION THAT THE MAYOR AND COUNCIL FINALLY APPROVE “AN ORDINANCE CONCERNING SMOKING IN CITY OWNED PUBLIC PARKS AND RECREATION AREAS” (INITIALLY APPROVED MAY 20, 2013 AND 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”.