

TOWN OF PROSPECT

ORDINANCE NO. _____

PROHIBITION ON SMOKING, TOBACCO, AND MARIJUANA USE

Section 1 Findings; legislative intent.

The Town Council of the Town of Prospect finds that smoking and the use of tobacco and marijuana, including through electronic nicotine delivery systems and vapor products, in the Town of Prospect's public buildings and parks, playgrounds and recreational areas, have the potential for creating a serious health hazard for employees of the Town of Prospect and the citizens of the Town of Prospect who visit and utilize such public spaces. The Town Council has determined that, in order to protect and promote the public health, safety and welfare of the employees and citizens of the Town Prospect, it is necessary to restrict the acts of smoking and use of tobacco and marijuana in and around such public spaces.

Section 2 Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

ELECTRONIC NICOTINE DELIVERY SYSTEM. An electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid.

MARIJUANA. All parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Marijuana does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such plant which is incapable of germination, or hemp, as defined in 7 United States Code ("USC") Section 1639o, as amended from time to time. Included are cannabimon, cannabimol or cannabidiol and chemical compounds which are similar to cannabimon, cannabimol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp, as defined in section 22-617 of the Connecticut General Statutes.

MARIJUANA USE. Ingestion of marijuana through methods including but not limited to smoking, eating, and use of electronic nicotine delivery systems or vapor products.

SMOKING. 1) To inhale or exhale the smoke of burning tobacco or marijuana; 2) to carry burning tobacco or marijuana in the form of a cigarette, cigar, or any other smoke-producing product or device, including pipes; 3) to use any electronic nicotine delivery system; and 4) to use any vapor product.

TOBACCO USE. Ingestion of tobacco through methods including but not limited to smoking, chewing, and use of electronic nicotine delivery systems or vapor products.

TOWN BUILDING. Any building, structure or enclosed outdoor area owned, leased, used or operated by the Town of Prospect or any of its departments and used for the conduct of public business, including, but not limited to, the Town Hall, Highway Department buildings, the police building, and any buildings, structures or enclosed areas located at any Town park, playground or recreation area.

TOWN PARKS, PLAYGROUNDS, AND RECREATION AREAS. All parks, playgrounds, and recreation areas owned, leased, used, operated or maintained by the Town of Prospect or the Town of Prospect Recreation Committee, including, but not limited to Canfield Park, Hotchkiss Field, Caplan Park and McGrath Park.

VAPOR PRODUCT. Any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 Code of Federal Regulations Section 600.3, as amended from time to time, authorized for sale by the United States Food and Drug Administration.

Section 3. Smoking, Tobacco Use, and Marijuana Use, prohibited.

A. Smoking, Tobacco Use, and Marijuana Use, shall be prohibited in all Town Buildings.

B. Smoking, Tobacco Use, and Marijuana Use, shall also be prohibited on any property owned, leased, used, operated or maintained by the Town of Prospect, including but not limited to roads and sidewalks located within 30 feet of any Town Building.

C. Smoking, Tobacco Use, and Marijuana Use, shall be prohibited in all Town Parks, Playgrounds, and Recreational Areas.

Section 4 Penalties and Enforcement.

A. It shall be a violation of this ordinance for any person to smoke or use tobacco or marijuana in any area where such activities are prohibited by the provisions of this ordinance.

B. Any person in violation of any provision of this Ordinance shall be subject to a civil penalty in the amount of \$200 per violation.

C. This ordinance is specifically designated for enforcement through citations issued by Town of Prospect police officers or any state police officer serving in Prospect as a Resident Trooper. The citation hearing procedure established by Ordinance 89-10-16-18 of the Prospect Code of Ordinances, as it may be amended from time to time, shall be followed.

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Michelle J. Stovall
TOWN CLERK