

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held March 14, 2011 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, April 11, 2011 at 6:30 P.M.

AN ORDINANCE REGARDING TOBACCO-FREE
COMMUNITY RECREATION

THE TOWN OF MONTVILLE HEREBY ORDAINS:

SECTION 1 - FINDINGS AND PURPOSE.

- A. The Town Council endorses the following:
1. The mission of the Town Recreation Department is to provide recreational and leisure opportunities that enhance the quality of life for its citizens and provide safe environments, the Town Recreation Department has an obligation to prohibit those activities which it deems contrary to this mission.
 2. The Town cares deeply about promoting the good health and quality of life for its citizens and visitors.
 3. Tobacco use is the single most preventable cause of death and disease in the United States.
 4. Secondhand smoke contains many harmful chemicals and cancer-causing agents and is a serious health risk to humans, especially to infants, children and pregnant women; and increases a non-smoker's risk for asthma, heart disease and lung cancer.
 5. Chewing tobacco contains many harmful chemicals and cancer-causing agents, and its use is associated with cancers of the mouth, gums, tongue, and throat.
 6. The use of chewing tobacco is associated with saliva or spit being cast upon the ground, seating areas, and other surfaces in recreational areas, resulting in increased risk of non-users being exposed to bacteria and viruses of a variety of respiratory illnesses.
 7. Tobacco use in and around these recreational facilities creates the contradictory message of young people being encouraged and coached by adults to engage in healthy activities, while at the same time being exposed to adults and older youth using tobacco products which cause adverse health effects as the result of exposure to secondhand smoke and/or spit saliva.

8. The Town hosts many recreational programs on fields and other facilities owned by the Town.
 9. Tobacco use, exposure to secondhand smoke, and exposure to tobacco saliva are clearly contrary to enhancing the quality of life and providing safe environments.
- B. Based on the endorsements listed in Section 1.A. above, the purpose of this Ordinance is to provide for the health of and protect the safety of the inhabitants of the Town by regulating, pursuant to Section 7-148(c)(7)(H)(xvi) of the Connecticut General Statutes, activities deemed to be deleterious to public health on property owned by the Town and used for recreational purposes. This Ordinance will enhance the enjoyment of all persons using said property.

SECTION 2 - DEFINITIONS. As used in this Ordinance, the following words and phrases shall have the meanings indicated.

- A. Recreational Property - means property owned by the Town and which is under the supervision and control of the Recreation Department and used in connection with recreational programs, including athletic facilities, parks, playgrounds, trails and other areas where people may assemble for recreational purposes. Recreational Property shall not include School Grounds. Recreational Properties at the time of the adoption of this Ordinance are: Camp Oakdale; Large and Small Pavilions; Conservation Trail; Fair Oaks; and Desjardin Park.
- B. School Grounds - means a parcel of land or portion thereof used for school purposes and operated by the Town of Montville Board of Education.
- C. Smoke or Smoking – means the lighting or carrying of a lighted cigarette, cigar, pipe or similar device.

SECTION 3 - VIOLATION. It shall be a violation of this Ordinance for:

- A. Any person to use tobacco in any form on or within any Recreational Property, including without limitation, Smoking, chewing or spitting tobacco or tobacco products.
- B. Any person to use Smoke on or within any Recreational Property.

SECTION 4 - PENALTIES FOR OFFENSES. Any person who violates any provision of this Ordinance shall be subject to a ninety-nine dollar fine (\$99.00) for each separate offense or violation. Any and all remedies which the Town has in enforcing this Ordinance, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

SECTION 5 - RECREATION DEPARTMENT. The Recreation Department may, but is not required to; post a sign or signs on a Recreational Property stating such Recreational Property is a “Tobacco-Free Zone” to indicate that said Recreational Property is subject to this Ordinance.

SECTION 6 - SAVINGS CLAUSE. If any section, clause, provision or portion of this Ordinance, or if any regulation established pursuant to the terms of this Ordinance, shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this Ordinance or of any regulation established pursuant to the terms of this Ordinance.

SECTION 7 - ACTIVITIES OTHERWISE PROHIBITED. No provision of this Ordinance shall serve to validate any activity otherwise prohibited by State or local law or lawfully enacted zoning regulations.

SECTION 8 - EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from the date of its adoption.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 15th day of March 2011.

Lisa Terry, Town Clerk