

ORDINANCE 2019-1

AN ORDINANCE CONCERNING SMOKING AND VAPING ON TOWN OF RANDOLPH PROPERTY

WHEREAS, it has been asked of the town from numerous independent persons and organizations, that we outlaw the use of tobacco for smoking and vaping on town property

WHEREAS, it is the belief of the Town Council of the Town of Randolph that smoking presents a fire and health hazard to the residents and visitors of our town.

IT IS HEREBY RESOLVED by the Council of the Town of Randolph that smoking is hereby prohibited: A. In City Park, B. Within in fifty feet of mass gatherings. A violation of this section is an infraction punishable by a fine not to exceed one hundred dollars (\$100) but not by imprisonment. County law enforcement officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the town for the first offense.

Exceptions: The restrictions of this ordinance are subject to any applicable state or federal exceptions.

No smoking or vaping signs or the internal "no smoking" symbol shall be clearly and conspicuously posted in every location.

Definitions: E-cigarette means and includes any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the vapor through the device ; and includes an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.

Mass gathering means an outdoor assembly of fifty or more people on Town owned property that can reasonably be expected to continue for at least one hour

Smoke or smoking means and includes possession, carrying, or holding a lighted pipe, cigar, e-cigarette, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, emitting, or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment, including e-cigarettes.

Prohibitions: Smoking is hereby prohibited.

Adopted this \_\_12th\_\_ of \_\_June\_\_\_\_\_, \_\_2019\_\_\_\_\_

Lyn P. Weston, Mayor

