

Please leave  
posted until  
28 January 2018

## TOWN OF Alburgh

### Tobacco PROHIBITION AT Municipal Parks and Recreation Areas

The Code of Ordinances of the Town of Alburgh is hereby amended by adding the following ordinance:

#### Designated Tobacco Free Areas

- (a) Purpose. The purpose of this section is to protect the public health, safety, and welfare by addressing secondhand smoke in Alburgh municipal property where people congregate and assemble for recreation, leisure, and other purposes.
- (b) Definitions
- (1) "Tobacco products and tobacco substitutes" shall mean cigarettes, electronic cigarettes, vapor cigarettes, cigars, cheroots, stogies, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco prepared in a manner suitable for smoking in a pipe or otherwise or for smoking.
  - (2) "Smoking" shall mean possession of lighted tobacco products or use of tobacco substitutes.
  - (3) "Municipal Parks and Recreation Areas" are the following: Alburgh Recreation Trail, Library playground and picnic area, Bicentennial Park and Alburgh Lakeshore Park and Natural Area.
- (c) Prohibited. Except as otherwise provided herein, smoking is prohibited at all municipal parks and recreation areas. The possession of lighted tobacco products or tobacco substitutes in any form is prohibited in the above referenced areas.
- (d) Posting. Supervision. The Town shall properly post and maintain "No Smoking" signs or the international "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) clearly and conspicuously throughout the designated smoke-free areas. The color of such signs, when not of the international type, shall have lettering that is

distinct, contrasting to the background and easily read. These signs shall be placed so as to inform but not detract from the designated smoke-free areas.

(e) Enforcement.

(1) Any person convicted of a violation or violations of this section shall be subject to a civil penalty, the fine for which shall be no less than fifty dollars (\$50.00) and no more than two hundred dollars (\$200.00), with a waiver penalty of fifty dollars (\$50.00), for each such violation.

(2) All law enforcement officials duly authorized to issue Vermont Municipal Complaints are authorized to issue complaints for violations of this section.


Dated at Alburgh, Vermont, this 28<sup>th</sup> day of November 2017 by the Town of Alburgh Selectboard Members

  
\_\_\_\_\_  
Lee Kimball

  
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Alton Brusio

  
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Chuck Pease

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Cheryl Moomey

TOWN OF ALBURGH

TOBACCO PROHIBITION AT MUNICIPAL PARKS AND RECREATION  
AREAS

The Selectboard of the Town of Alburgh hereby ordains:

Section 1. Authority. This Ordinance Tobacco Prohibition at Municipal Parks and Recreation Areas (the "Ordinance") is adopted by the Selectboard of the Town of Alburgh pursuant to the authority of 24 V.S.A. §§ 2291(13), (14), and (15), and 24 V.S.A. Chapter 59, and shall supersede and replace all other ordinances of the Town with respect to the subject matter of said Ordinance. This Ordinance is a civil ordinance.

The Town of Alburgh Ordinance Tobacco Prohibition at Municipal Parks and Recreation Areas shall become effective on 27 January 2018, unless a petition signed by not less than 5% of the qualified voters of the Town requesting a town meeting vote on the question of disapproving the Ordinance is filed with the Town Clerk or Selectboard on or before 12 January 2018. The full text of Town of Alburgh Ordinance to Regulate Nuisance Properties may be viewed at the Town Clerk's office or on the website at [www.alburghvt.org](http://www.alburghvt.org).

Adoption History

1. Agenda item at regular Selectboard meeting held on 14 November 2017.
2. Read and approved at regular Selectboard meeting on 14 November 2017 and entered in the minutes of that meeting.
3. Posted in public places on 30 November 2017
4. Notice of adoption published in the Islander newspaper on 5 December 2017 with a notice of the right to petition.
5. Other actions, including petitions pursuant to 24 V.S.A. § 1973: \_\_\_\_\_.