

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 166 THEREOF, ENTITLED "PARKS AND RECREATION" TO ADD ARTICLE IV, "TOBACCO FREE FACILITIES" TO PROHIBIT TOBACCO USE IN OR ON ALL RECREATIONAL AREAS.

The Town Council of the Town of East Greenwich hereby ordains:

Section 1. Chapter 166 Parks and Recreation, of the Code of the Town of East Greenwich, is hereby amended to prohibit tobacco use in or on all recreational areas as follows:

Article IV Tobacco Free Facilities

Section 166-37: Definitions

1.1 **Electronic delivery device** means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.

1.2 **Recreational areas** mean all facilities, parks, trails, open spaces, and other property owned, leased, rented, contracted, used or controlled by the Town of East Greenwich for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, athletic fields, courts, rinks, benches, fitness areas, and parking lots.

1.3 **Smoke or smoking** means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking includes being in possession of a lighted or heated cigar delivery device that is turned on or otherwise activated.

1.4 **Tobacco or tobacco product** means any product containing, made, or delivered from tobacco that is intend for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part or accessory of a tobacco product including but not limited to cigarettes, cigars and other smoking tobacco; snuff and other chewing tobacco; electronic delivery devices; and any other kinds and forms of tobacco. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

ORDINANCE NO. (assigned by Town Clerk)

ADOPTED:

1.5 **Tobacco use** means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form.

Section 166-38: Policy

2.1 Tobacco use is prohibited at all times in or on all recreational areas.

2.2 It is not a violation of this policy to use tobacco in or on recreational areas as part of a Native American spiritual or cultural ceremony. Approval from the Town Manager or his/her designee must be requested and received prior to the ceremony.

Section 166-39: Enforcement

3.1 Signage will be posted at strategic locations to inform the community and recreational area users about the policy.

3.2 Town of East Greenwich staff and volunteers, including all local youth group organizations and field permit holders will be notified about the this policy.

3.3 Any individual found violating this policy will be reminded and asked to comply before being subject to ejection from the recreational area. Any person violating Chapter 166, Article IV, Section 166-38 of the Code of Ordinances shall be deemed to be creating a public nuisance and violators will be subject to a fine as stated in Chapter 1, Article III of the Code of the Town of East Greenwich and/or prosecuted in accordance with State statutes where applicable.

Section 2. This ordinance shall become effective upon adoption.