

CITY OF TORRINGTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Councilmen of the City of Torrington will hold a public hearing on Monday, May 2, 2022, starting at 6:30 p.m. in the City Hall Auditorium, 140 Main Street, Torrington, CT to solicit public comment regarding a smoking ordinance.

All interested parties are invited to attend and be heard. The full text of the proposed changes is on file and open to the public for inspection in the Office of the City Clerk, 140 Main Street, Torrington, Connecticut, 06790.

Dated at Torrington, Connecticut, this 22nd day of April, 2022.

Carol L. Anderson, MMC
City Clerk

§ 1 Definitions.

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

PARK OR RECREATION AREA

Any outdoor area owned or operated by the City of Torrington and open to the general public for primary recreational purposes, regardless of any fee or age requirement, including but not limited to picnic areas, playgrounds, sports or athletic fields, bleachers, walking paths, gardens, hiking trails, parks, bike paths, dog parks, and downtown closures (Main Street) for city sanctioned events. A park or recreational area shall not include any paved public sidewalk immediately abutting the boundary of the park or recreational area.

SMOKING

Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, hemp, or any of its derivatives; whether natural or synthetic as defined in Connecticut General Statutes 21a-240, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

TOBACCO PRODUCT

A.

Any product containing, made, or derived from tobacco or nicotine, marijuana, hemp, or any of their derivatives, that are intended for human consumption, whether smoked, heated, chewed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and edibles.

B.

Any electronic device that delivers nicotine, THC, or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

C.

Notwithstanding any provision of Subsection(s) A and B to the contrary, "tobacco, nicotine, marijuana product" includes any component, part, or accessory of a tobacco, nicotine, or marijuana product, whether or not sold separately.

§2 Smoking restricted (Smoke Free Zones)

No person shall use, smoke, or consume any tobacco product, which includes marijuana, hemp or any of their derivatives, in any form in or upon the property of any city owned building including schools, parks or recreation areas as defined above, or any assembly owned, leased or controlled by the City of Torrington; provided however, that signs are posted in the area such as to reasonably warn persons that the area is subject to this No Smoking chapter. This "smoke free" area also extends to the "outside area within 25 feet of any doorway, operable window or air intake vent" of such locations. A smoke free zone includes the area for which a restaurant has obtained a permit to allow dining on a city owned sidewalk.

§ 3 Designation of smoking/tobacco use area.

The Mayor, his/her designee, or the Director of Park and Recreation can designate a "smoking/tobacco/marijuana area" on a portion of the city owned property. This area will be identified by a clearly marked sign and away from the building as defined in the smoke free area. A person smoking, using tobacco products, marijuana, hemp or other products in the designated area shall not be subject to a penalty.

§ 4 Posting of signs.

Every park or recreation area, city owned building, or other area deemed appropriate by the city, shall have at least one conspicuously displayed sign stating that smoking and the use of tobacco/marijuana products are prohibited. Such signs must have appropriate text and/or graphics to clearly indicate that smoking and the use of tobacco products are prohibited and include the appropriate City of Torrington ordinance citation. Such signs shall be posted in a quantity and manner reasonably likely to inform individuals occupying the area that tobacco use is prohibited within the area.

§ 5 Enforcement.

The provisions of this chapter shall be enforced by citation. The following persons have authority to issue citations for violations pursuant to this chapter: City of Torrington Police Officer. Additionally, agents and employees of the City of Torrington and coaches or officials participating in any athletic event in or upon any city owned athletic or recreation facility are authorized to enforce this chapter through the exclusion of the violator from the athletic event or recreational facility.

§ 6 Penalties for offenses.

Violation of this chapter shall constitute an infraction or ordinance violation as defined in Connecticut General Statutes § 51-164n. A warning shall be issued for a first offense. The citation amount for a second offense shall be \$50. The citation amount for a third offense shall be \$75. The citation amount for the fourth or more offenses shall be \$100. Such citation shall be on a form as prescribed by the City of Torrington.

§ 7 Appeals

The hearing procedure for city ordinance violations shall follow the procedures set forth in the City Code of Ordinances appeals process and § 7-152c of the Connecticut General Statutes.