

CITY OF BURLINGTON

ORDINANCE 5.04 (was 5.05)

Sponsors: Councilors Mason, Paul, Shannon, Brennan, Hartnett, Blais
Public Hearing Dates: _____

In the Year Two Thousand Fourteen

First reading: 06/23/14
Referred to: Ordinance Committee
Rules suspended and placed in all stages of passage: _____
Second reading: 11/10/14
Action: adopted
Date: 11/10/14
Signed by Mayor: 11/24/14
Published: 11/26/14
Effective: 12/17/14

An Ordinance in Relation to

HEALTH -
Smoking in outdoor places prohibited

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 17, Health, of the Code of Ordinances of the City of Burlington be and hereby is amended by
2 adding a new section, Sec. 17-8B. Smoking in outdoor places prohibited, thereof to read as follows:

3 Sec. 17-8B. Smoking in outdoor places prohibited.

4 (a) Purpose. The purpose of this ordinance is to protect the health of residents and visitors by limiting and
5 eliminating exposure to secondhand smoke in outdoor places.

6 (b) Definitions.

7 (1) “Tobacco products” and “Tobacco substitute” shall have the meanings given in 7 V.S.A. § 1001.

8 (2) “Smoking” shall mean possession of lighted tobacco products or possession and use of tobacco
9 substitutes.

10 (c) Prohibited activity. Smoking shall be prohibited outdoors in the Church Street Marketplace District
11 which includes all of Church Street and the properties which have frontage thereon, bounded on the north by
12 the northernmost property line of properties bounded by Church and Pearl Streets, and bounded on the south
13 by the southernmost property lines of properties at the northern corners of the Church and Main Street
14 intersection, and more precisely shown on a plan entitled “Church Street Marketplace District” recorded with
15 the chief administrative officer of the City of Burlington on June 27, 1979.

16 (d) Exceptions. The prohibition of smoking within the area designated for no smoking shall not apply to:

17 (1) Private property.

18 (e) Posting; supervision. The city shall properly post and maintain “No Smoking” signs or the
19 international “No Smoking” symbol (a picture of a burning cigarette inside a red circle with a red bar across
20 it) clearly and conspicuously throughout the designated smoke-free areas. The color of such signs, when not
21 of the international type, shall have lettering that is distinct, contrasting to the background and easily read.
22 These signs shall be placed so as to inform but not detract from the designated smoke-free areas.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20____.

Attest,

_____, Clerk.

Approved _____, 20____.

_____, Mayor.

I, _____, City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day, namely the _____ day of _____, 20_____.

Adopted _____ Published _____ Effective _____

_____, City Clerk

* * * * *

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

Attest:

* * * * *

23 (f) Enforcement. Any law enforcement officer may enforce the provisions of this ordinance. Prior to the
24 issuance of a Vermont Municipal Complaint, a law enforcement officer shall warn the person to be issued of
25 the prohibition and ask the person to cease smoking. The failure to immediately stop smoking in the
26 prohibited smoking area after such warning shall be a civil ordinance violation punishable by a penalty of
27 fifty dollars (\$50.00), the waiver penalty for which shall be fifty dollars (\$50.00). Law enforcement officers
28 do not need to issue additional warnings to any person who has been previously warned of the prohibitions in
29 this ordinance and a person so previously warned who engages in the activity prohibited by this ordinance
30 shall be in violation of the ordinance, subject to a civil ordinance penalty of one hundred (\$100.00), the
31 waiver penalty for which shall be fifty dollars (\$50.00).

32
33 * Material underlined added.

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35
36
37 lb/EMB/c: Ordinances 2011/Health – Smoking in outdoor places prohibited, Sec. 17-8B. (Church St. Marketplace)
38 6/17/14; 11/3/14

ORIGINAL

AN ORDINANCE IN RELATION TO

HEALTH - Smoking in outdoor places prohibited

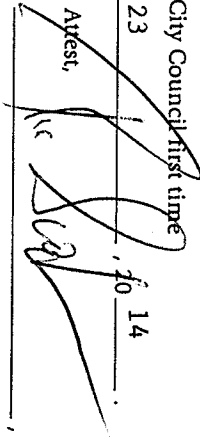
Introduced by

Councilor Blais s Mason, Paul, Shannon, Brennan, Hartnett

Read in City Council first time

June 23, 2014

Attest,



, Clerk

Rules suspended, and ordinance placed in all stages of passage.

, 20__

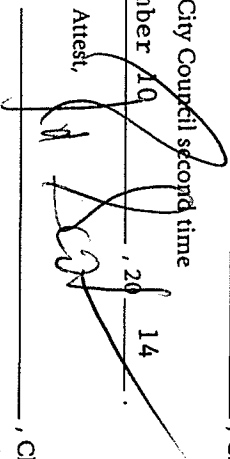
Attest,

, Clerk

Read in City Council second time

November 10, 2014

Attest,

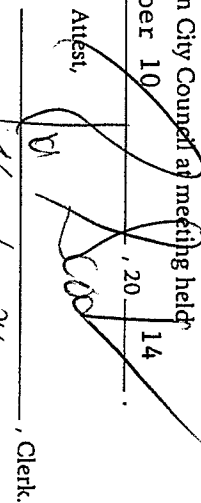


, Clerk

Passed in City Council at meeting held

November 10, 2014

Attest,



, Clerk

Approved November 24, 2014

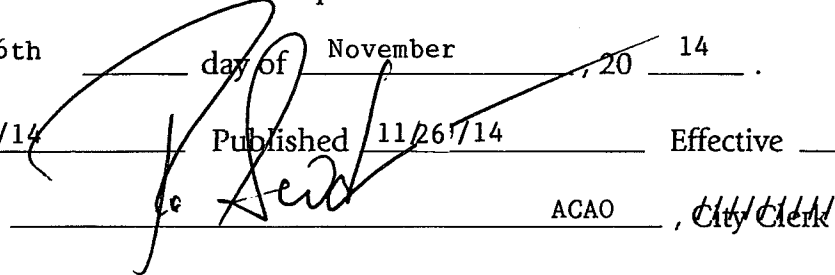
, Mayor

I, ACAO Goodwin, ~~City Clerk~~ of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Wednesday ~~day~~ /

namely the 26th day of November, 2014.

Adopted 11/10/14 Published 11/26/14 Effective 12/17/14



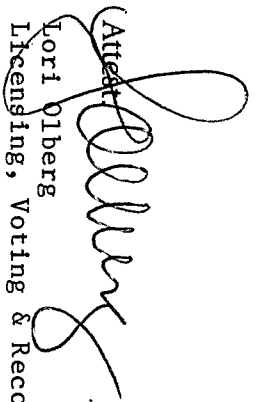
ACAO, ~~City Clerk~~

* * * * *

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

GSM Director Redmond



Attest
Lori Olberg
Licensing, Voting & Records Coordinator

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