

Ordinance # 1844

Adopted as Amended 5/18/2015

Passed

**AN ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS PROHIBITING  
THE USE OF ALL FORMS OF TOBACCO  
IN CITY PARKS, ON PUBLIC SCHOOL GROUNDS AND  
ON ALL OTHER DESIGNATED CITY-OWNED PROPERTY.**

**WHEREAS:** The 2006 U.S. Surgeon General's Report entitled "The Health Consequences of Involuntary Exposure to Tobacco Smoke" concluded that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; and

**WHEREAS:** the Report states that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections and asthma attacks as the highest risk is faced by the most vulnerable- infants, children and pregnant women; and

**WHEREAS:** the Report goes on to find that there is no risk-free level of exposure to secondhand smoke and that exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and can cause asthma, coronary heart disease and lung cancer; and

**WHEREAS:** scientific evidence has firmly established that tobacco contains many harmful chemicals and cancer-causing agents and is a serious health risk to all humans, as the Centers for Disease Control and Prevention (CDC) regards tobacco use as the leading preventable cause of death in the United States, estimating that cigarette smoking alone causes about one of every five deaths in the U.S., or more than 480,000 deaths annually, including deaths from secondhand smoke; and

**WHEREAS:** the use of tobacco in all its forms has been deemed a serious health hazard, including cigarettes, cigars, pipes, as well as all electronic cigarettes (e-cig, e-hookah, vape pen, electronic nicotine delivery system), and chew tobacco and snus; and

**WHEREAS:** marketing appeals of e-cigarettes and vaping to children and teens has drawn criticism, as a panel composed of members of Connecticut's federal delegation recently met with students at a city high school to discuss their great concern and the need for more regulation of these new products which are a gateway to more extensive tobacco use; and

**WHEREAS:** last November, Mayor Toni Harp in collaboration with the Board of Alders, City Community Services Administrator, other city officials and community leaders, launched "Tobacco-Free New Haven"- her ambitious initiative to improve the overall health and well-being of the residents of New Haven by reducing tobacco use; and

**WHEREAS:** the negative impact of tobacco use on public health is an issue the Board of Alders feels very strongly about, as the Acting Director of the city's Health Department, estimates that more than 1,000 city residents died in the past ten years from smoking-related health issues; and

**WHEREAS:** as part of this broad-based campaign, the City is offering a smoking cessation program for city employees through its Employee Wellness Program, has launched an education program to teach students about the detrimental effect tobacco use has on their health, offers a resource link for those seeking to quit smoking on its main city website entitled "Resources to Help You Quit Smoking" and has established a working committee to develop ideas to further the goal of making New Haven tobacco-free; and

**WHEREAS:** in 2003, the Connecticut General Assembly adopted Public Act No. 03-45, which prohibited smoking in a wide range of public places, including state or municipal government buildings, health care institutions, school buildings, retail food stores, restaurants, most public establishments with alcoholic liquor permits, elevators, and college dormitories; and

**WHEREAS:** in recent years, the City has established three smoke-free zones, limited to the immediate block around the Yale-New Haven Hospital, the old Hospital of St. Raphael's campus, and Connecticut Mental Health Center building; and

**WHEREAS:** given that state law, Section 7-148(c)(7)(H)(xvi) (Scope of Municipal Powers/ Public Health and Safety/Regulatory and Police Powers) now specifically states that: Any municipality shall have the power to "regulate, on any property owned by the municipality, any activity deemed to be deleterious to public health, including the lighting or carrying of a lighted cigarette, cigar, pipe or similar device;" and

**WHEREAS:** since the City cares deeply about promoting the good health and quality of life for its citizens and visitors and a mission of the City of New Haven is to provide recreational and other opportunities that enhance the quality of life for its citizens and provide safe environments, the city has an obligation to prohibit those activities which it deems contrary to this mission; and

**WHEREAS:** tobacco use in and around City facilities, such as New Haven parks and public school grounds, creates the contradictory message of young people and adults being encouraged to engage in healthy activities and lifestyles, while at the same time being exposed to those using tobacco products which cause adverse health effects due to secondhand smoke; and

**WHEREAS:** the City hosts many recreational programs in city parks, public school grounds and on other fields and facilities owned by the City, and tobacco use and exposure to secondhand smoke are clearly contrary to enhancing the quality of life and providing safe environments for the citizens of New Haven; and

**WHEREAS:** in recent years, municipalities across the country have taken more extensive action to make their public places tobacco-free, such as in Santa Monica, California where it is now unlawful to smoke

in public parks, on beaches, on the grounds of public libraries and in a broad array of other locations such as on the grounds of public libraries, any outdoor service area or farmers' market; and

**WHEREAS:** here in Connecticut, a growing number of municipalities, such as Bristol, Cheshire, Fairfield, Hartford, South Windsor and Trumbull have invoked Section 7-148(c)(7)(H)(xvi) of the state statutes to extend smoking bans to city property, with New London enacting an ordinance that specifically prohibited the use of tobacco in its city parks and on its school grounds; and

**WHEREAS:** recognizing that the use of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance, the City of New Haven finds that there is a compelling public health and safety interest to protect the safety of all its inhabitants and enhance the enjoyment of public space and facilities and thereby exercises its right pursuant to Section 7-148(c)(7)(H)(xvi) of the Connecticut General Statutes by implementing a ban on the use of all forms of tobacco in city parks, on public school grounds and on any other designated city-owned property.

**NOW, THEREFORE, BE IT ORDAINED that the New Haven Code of Ordinances is amended as follows:**

**Add a new section:**

**CHAPTER \*\*\*\*Prohibiting the Use of All Forms of Tobacco in City Parks, on Public School Grounds and on Any Other Designated City-Owned Property.**

**A. Definitions.**

As used in this Chapter, the following terms shall have the meaning indicated:

**ENFORCEMENT** --All law enforcement officers of the City; the Mayor of the City and/or her designees; the Chief of the Police Department and/or his designees.

**TOBACCO PRODUCT** - Means any tobacco product in all of its forms, including but not limited to a lighted cigarette, cigar, pipe, or similar device, including all electronic cigarettes (e-cig, e-hookah, vape pen, electronic nicotine delivery system), as well as chew tobacco and snus.

**RECREATIONAL PROPERTY** - Property owned by the City and which is under the supervision and control of the city's Department of Parks, Recreation and Trees which is used in connection with recreational programs, including athletic facilities, parks, playgrounds, trails and other areas where people may assemble for recreational purposes. This also includes any community, recreation or senior center building located on park property. Recreational property shall not include school grounds.

**SCHOOL GROUNDS** - A parcel of land or portion thereof used for school purposes and operated by the City of New Haven Board of Education.

B. The Use of Any Tobacco Product is Banned in Designated Public Places.

It shall be prohibited, at all times, for an individual to use any tobacco product in any form while in a government building, playground, sports field, school ground or Lighthouse Point Park. The city may establish designated smoking areas within these tobacco-free zones.

C. Enforcement.

Members of the New Haven Police Department shall be charged with the enforcement of this ordinance. Such officer of the department shall inform the violator of this ordinance and take enforcement action when a violation has occurred.

D. Penalty for Violation.

- E. Police Officers or other such designated authorized officials may issue a citation for violation of this chapter. A citation issued for a first offense shall be a warning only. Persons receiving subsequent citations shall be deemed to have committed an infraction and shall be fined not more than \$100 for each violation of any provision of this ordinance. Such citation shall be on a form as prescribed by the City of New Haven.

E. Signage.

City parks, city-owned recreational areas, public school grounds and other specified sections of city-owned property where tobacco use has been banned pursuant to this chapter shall be so designated by signs that give notice of those areas of prohibition. The City shall post a sign or signs on such properties stating that it is a "Tobacco-Free Zone" to indicate that said property is subject to this ordinance. Said sign or signs shall identify this ordinance by number, and shall state the penalty amount for violating this ordinance.

F. Severability.

Should any court of competent jurisdiction declare any section, clause or provision of this ordinance to be invalid, such decision shall affect only such section, clause or provision so declared invalid, and shall not affect any other section, clause or provision of this ordinance. Except as above amended, the New Haven Code of Ordinances shall remain in full force and effect.

G. Implementation.

The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage.