

West Warwick

[PART III - CODE OF ORDINANCES](#) >> [Chapter 12 - OFFENSES—MISCELLANEOUS](#) >>
[ARTICLE I. - IN GENERAL](#) >>

Sec. 12-12. - Smoking in public buildings, on public properties, and in vehicles owned by the town.

(a) *Legislative intent.* The use of tobacco for smoking purposes is being found to be increasingly dangerous, not only to the person smoking, but also to the nonsmoking person who is required to breath such contaminated air. The most pervasive intrusion of the nonsmoker's right to unpolluted air space is the uncontrolled smoking in public places. In acknowledging the importance of a healthy and safe environment for work and recreation and in recognizing the hazards associated with smoking and environmental tobacco smoke, the town intends, by the enactment of this section, to protect the health and atmospheric environment of the nonsmoker by regulating smoking in and on all town properties and in all vehicles owned by the town.

(b) *Governing state law.* Recognizing the dangers associated by smoking the state legislature has enacted statutes governing various aspects of this issue. The town, in addition to the establishment of ordinances as hereinafter set forth, incorporates those general laws as may be applicable, including but not limited to the following:

(1) *Smoking in schools.* Pursuant to R.I.G.L. § 23-20.9-5 tobacco product usage is prohibited by any person utilizing school facilities. The term school facilities includes but is not limited to all school building and all facilities used by the school, whether owned, leased or rented including school fields and parking lots.

(2) *Penalties.* Pursuant to R.I.G.L. § 23-20.6-2(c) any person in violation of this statute shall be deemed to be contributing to the maintenance of a public nuisance in a public place and shall be subject to a fine of not less than \$10.00 not more than \$500.00.

(3) *Use of tobacco by minors.*

a. Pursuant to R.I.G.L. §§ 11-9-13 and 11-9-14. No person shall sell or deliver tobacco products to a person under 18 years of age and any violators thereof shall be fined in accordance with § 11-9-13.

b. Pursuant to R.I.G.L. § 11-9-14, no person under 16 years of age shall smoke or chew tobacco in any public street or place. Any person found in violation hereof shall be fined in accordance with § 11-9-14.

(c) *Definitions.* As used in this section the term "smoking" means and includes the inhaling, exhaling, burning or carrying of any lighted smoking equipment or paraphernalia for tobacco or

any other weed or plant. For the purposes of this section, the term public buildings and other areas, does not include public sidewalks and streets, unless located next to or adjacent to a gas station nor shall it include any properties leased by the town as lessor.

(d) *Smoking prohibited/public properties.*

(1)

- a. Smoking in any form is a public nuisance and dangerous to public health and shall not be permitted in any public buildings, public parks or any other indoor or outdoor recreational areas or facilities owned by the town or leased by the town as lessee and in all motor vehicles of any type or kind owned, rented, leased or used by the town or any of its departments, boards, commissions, semi-autonomous bodies, or other agencies of the town. This would exclude public sidewalks, streets and leased properties in which the town is the lessor.
- b. The town shall designate a "smoking area" outside town owned buildings and facilities, in which areas smoking by non-minors shall be allowed.
- c. Smoking shall be prohibited on public streets or sidewalks or other areas located next to or adjacent to a gas station.

(2)

- a. The proprietor or other person in charge of a municipal areas listed above shall make reasonable efforts to prevent smoking in those areas in which smoking is not allowed and shall post "No Smoking and Warning" signs conspicuously in these areas.
- b. The proprietor or other person in charge of a municipal areas listed above shall post signs in those areas in which smoking is allowed, as set forth in subsection (d)(1)c. above.

(e) *Smoking/possession by minors prohibited.* No person under 18 years of age shall possess, smoke or chew tobacco in any public street or place within the town.

(f) *Penalties.* Any person who violates the provisions of subsections (d) and (e) above, shall be fined a sum of \$5.00 and be required to perform five hours of community service for a first offense and shall be charged a fine of \$20.00 and be required to perform 20 hours of community service for a second offense. A third or any subsequent violation(s) shall result in the issuance of a ticket to the offending party, requiring a hearing before the municipal court for the town, or if under the age of 18, referral to the town juvenile hearing board.

(Res. No. 97-211, §§ 1—6, 8-5-97)

Editor's note—

Res. No. 97-211, §§ 1—6, adopted Aug. 5, 1997, did not specifically amend the Code; hence inclusion as [§ 12-12](#) was at the editor's discretion.

[PART III - CODE OF ORDINANCES](#) >> [Chapter 12.5 - PARKS AND RECREATION](#) >>
[ARTICLE II. - FLAT TOP POND](#) >>

ARTICLE II. - FLAT TOP POND

[Sec. 12.5-16. - Rules and regulations governing use of Flat Top Pond picnic area.](#)

[Secs. 12.5-17—12.5-30. - Reserved.](#)

Sec. 12.5-16. - Rules and regulations governing use of Flat Top Pond picnic area.

[The following regulations shall be observed in the Flat Top Pond picnic area:] .

(2)

Smoking is prohibited in the wooded areas of the park.

Any person violating any of the above rules shall be fined in accordance with [section 1-10](#) of this Code.

(Ord. of 5-14-75; Ord. of 12-5-95)