



**Committee on Ordinances
Regular Meeting**

~ Agenda ~

Monday, April 18, 2016

5:30 PM

Committee "A" (City Hall 3rd Floor)

1. An Ordinance Amending Chapter 23, "Streets, Sidewalks, and Public Places," to add Section 37, "No Smoking in the Public Way."

PER ORDER THE COMMITTEE ON ORDINANCES
Councilman Terrence M. Hassett, Chairman

The foregoing Committee may seek to enter into Executive Session.

Offices and City Council Chambers are accessible to individuals with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the Office of Neighborhood Services at 421-7768 not less than 48 hours in advance of the hearing date.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE AMENDING CHAPTER 23, “STREETS, SIDEWALKS, AND PUBLIC PLACES,” TO ADD SECTION 37, “NO SMOKING IN THE PUBLIC WAY”**

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 23, Section 37 is hereby amended by adding thereto the following:

Sec. 23-37. No Smoking in the Public Way.

(a) Purpose

- (1) 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 breathe the contaminated air. A pervasive intrusion of the nonsmoker’s rights to unpolluted air space is the uncontrolled smoking in downtown Providence.
- (2) The City of Providence is committed to keeping its downtown clean, safe, healthy and pleasant for everyone.
 - i. Smoking is hazardous to health and numerous studies have shown that secondhand smoke is a significant public health hazard;
 - ii. Smoking in public places endangers children and others by exposing them to secondhand smoke;
 - iii. The United States Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;
 - iv. The United States Centers for Disease Control and Prevention (CDC) has found that secondhand smoke causes children to suffer from lower respiratory tract illnesses, such as bronchitis and pneumonia, exacerbates childhood asthma and increases the risk of chronic middle ear infection in children;
 - v. Discarding cigarette butts, cigar butts and tobacco waste on sidewalks and streets is unsightly, unclean and particularly hazardous to small children who handle and sometimes ingest them;
 - vi. Cigarette butts do not biodegrade and they contain two hundred (200) known poisons, sixty-three (63) of which are known to cause cancer;
 - vii. Prohibiting smoking and the improper disposal of tobacco products in downtown Providence is necessary to protect the public health, safety and welfare of all residents and visitors. The City of Providence intends, by the enactment of this chapter, to protect the health and atmospheric environment of the nonsmoker by regulating smoking in downtown Providence.

(b) Definitions

- (1) “Smoking” or to smoke or smoke means and includes inhaling, exhaling burning or carrying of any lighted smoking equipment or paraphilia including electronic smoking devices.
- (2) For the purposes of this section, “Tobacco product,” means any product containing tobacco or nicotine, including but not limited to cigars, pipe tobacco,

snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products and electronic smoking devises, further defined in Section 3 of Definitions.

- (3) “Electronic smoking devices” means any electronic oral device such as one composed of heating element, battery and/or electronic circuit which provides a vapor of nicotine, vapor of a solution including nicotine, or aerosol of a solution including nicotine or any other substance for inhalation. This term shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe or an electronic hookah or any other name or descriptor. The term “electronic smoking device” does not include any device specifically approved by the United States Food and Drug Administration for use in reducing, treating or eliminating nicotine or tobacco dependence, or for any other medical purposes, when such a device is being marketed and sold solely for such approved purpose.

(c) Smoking Prohibited.

Smoking is prohibited on all non-enclosed sidewalks and other pedestrian areas, including alleys, accessible to the public anywhere in downtown Providence designated as within the boundaries of the Downtown Providence District Management Authority (DPDMA) as established by City and State entities doing business as the Downtown Improvement District (DID), the Capital Center District (excluding any State owned properties), and North and South Main from Park Row to Transit Street and South Water Street.

(d) Locations where smoking is permitted.

Smoking is permitted in private residences and in private vehicles. Smoking is permitted on private property unless the owner prohibits smoking on that private property.

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(e) Posting of signs.

The mayor or his or her designee shall post signs that adequately inform the public of the ban of smoking on all downtown non- enclosed sidewalks or other pedestrian areas, including alleys, accessible to the public anywhere in downtown Providence designated as within the boundaries of the Downtown Improvement District, the Capital Center District (excluding the State House and adjoining State properties), North and South Main from Park Row to Transit Streets and South Water Street.

(f) Penalties.

For the first offense, the violator will receive a warning. Second offenses and onward will carry a fine. Every person convicted of a violation of subsection of this ordinance shall be guilty of a misdemeanor and subject to a mandatory fine of fifty dollars (\$50) upon a first conviction; by a mandatory fine of one hundred dollars (\$100) upon a second conviction; and by a mandatory fine of two hundred and fifty dollars (\$250) upon a third or subsequent convictions.

SECTION 2. This ordinance shall take effect upon passage.