



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Work Group for an Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property

August 24, 2023

8:30 AM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING AGENDA

Call to Order

- 1) Review and Discussion of Draft Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property
- 2) Next steps and meeting date

Adjournment



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY AN ORDINANCE PROHIBITING THE USE OF TOBACCO, VAPING AND CANNABIS PRODUCTS ON PUBLIC PROPERTY

Adopted by the Board of Selectmen on Month Day, 2023

I. Purpose

The purpose of this ~~policy~~ ordinance is to protect the health and safety of all individuals who use public property. This ordinance ~~policy~~ prohibits the use of Tobacco, vaping, and cannabis products on all public property owned and/or controlled by the Town of Simsbury, including sidewalks, trails, parks, playgrounds, and government buildings.

II. Scope

This ordinance ~~policy~~ applies to all public property owned or operated by the Town of Simsbury. This includes all property that is open to the public, such as sidewalks, trails, parks, playgrounds, and government buildings.

III. Definitions

- Tobacco Product: Any product that contains tobacco, including cigarettes, cigars, pipes, hookahs, and electronic cigarettes.
- Vaping Product: Any product that uses an electronic device to heat a liquid nicotine solution, creating an aerosol that is inhaled by the user, as defined in General Statutes section 19a-342a-
- Cannabis Product: Any product that contains cannabis, ~~including marijuana and hashish,~~ as defined in General Statutes section 21a-420(3)
- .

IV. Use of Tobacco, Vaping and Cannabis Products on Public Property

It shall be unlawful for any person within the Town of Simsbury to ~~use any~~ consume Tobacco or Cannabis Products of any kind, or to use an electronic nicotine or cannabis delivery system or vaping product of any kind ~~Tobacco, Vape, and/or Cannabis products regardless of or any other form or manner of ingestion~~ of Tobacco or Cannabis products on any property owned or controlled by the Town of Simsbury

V. Violations and Penalties

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Whenever the authorized enforcement agency determines that a person has violated this ordinance, the authorized enforcement agency is authorized to issue a fine to the violator in the amount of one hundred dollars (\$100.00) for each offense.

VI. Appeals

Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer may be appealed to Superior Court.

VII. Severability

Should any provision of this Article be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Chapter as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder shall be valid.

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SUMMARY OF VIOLATIONS OF TOWN OF SIMSBURY ORDINANCE CHAPTERS 63 & 144

1/1/2019-7/25/2023

Enforcement Consisted of In-School Discipline, Juvenile Review Board Referral, Infractions, Misdemeanor Summons, Juvenile Summons and Criminal Arrest

CHAPTER 63		CHAPTER 144		Detail	Notes
Number of Incidents		Number of Incidents			
Town Ordinance Violation		Town Ordinance Violation			
Chapter 63		Chapter 144 Sale (Supply) of Equipment to Minors -			
Date	Alcoholic Beverages	Tobacco and Drugs			
2019	5	0	63: Possession by minor (alcohol) (6+ minors in 5 incidents; ages 17-20)	3 incidents involved driving. Several students received in-school discipline for one incident (drinking at school athletic event). Two hosted (2) parties with alcohol/minors; only one received enforcement for supply/hosting (JRB).	
2020	1	2	63: Possession by minor (alcohol) (age 19)	144: One 15 YO juv reports sharing MJ vape fr another at school (no enf); Adult arrested for giving MJ vape+ to 15 YO	
2021	1	0	63: Possession by minor (alcohol) (age 18)	Involved driving	
2022	0	0	None	None	
2023	0	0	None as of 7/25/2023		
7 incidents; 8+ individuals		2 incidents; 2 individuals			

State Law Violation, but Not Town Ordinance Violation:				
2023	2	None-ordinance states under age 16; sold to 20 YO	Ill sale of Elec Nic Device <21	Adult sellers recvd infraction-BP Mart 995 Hopmeadow & Mitchell Mobil Mart 404 Hopmeadow

Simsbury Police Department
Records Division
7/26/2023

DETAIL OF VIOLATIONS OF TOWN OF SIMSBURY ORDINANCE CHAPTERS 63 & 144

1/1/2019-7/25/2023

Date	CFS	Town Ordinance Violation Chapter 63	Town Ordinance Violation Chapter 144 Sale of Equipment to	Enforcement Taken?	Detail	Age of minor	Notes	Driving?
		Alcoholic Beverages	Minors (Tobacco and Drugs)					
4/18/2019	1900013068	1	n/a	Yes-MS (erased)	Possession by minor (alcohol)	20	Drinking while driving	Yes
6/18/2019	1900021263	1	n/a	Yes-Juv Summ (unknown)	Possession by minor (alcohol)	17		Yes
6/20/2019	1900021712	1	n/a	Yes-Infr (GY)	Possession by minor (alcohol)	18		Yes
8/31/2019	1900031184	2	n/a	Yes-MS (erased)	Possession by minor (alcohol)	18	Party hosted by same 18 YO- no enforcement, though	No
10/11/2019	1900036785	multiple	n/a	Yes-JRB & in-school discipline	Possession by minor (alcohol)-multiple; JRB for 30-89a(a)(1) Permit minor to posess alc (hosting at home)	17	17 YO JRB for hosting minors-party at home with alcohol	No
1/15/2020	2000001844	1	n/a	Yes-MS (erased)	Possession by minor (alcohol)	19	DUI	Yes
5/8/2020	2000016339		1	Yes-UAR (pending/sealed)	Risk of injury	15	Adult recvd enforcement/arrest. Provided vape/cannabis to juvenile over period of time.	n/a
11/12/2020	2000042733		1	No	Sell/give/transfer drug-related equip (vape/MJ)	15	SHS-15 YO reported using vape of another juv and possibly getting MJ from someone at school	No
5/10/2021	2100020079	1	n/a	Yes-Infr (GY)	Possession by minor (alcohol)	18		Yes
		8+	2					

State Law Violation, but Not Town Ordinance Violation:

3/22/2023	2300008026		None-ordinance states under age 16	Yes-Infr (pending)	Ill sale of Elec Nic Device <21	20	Adult recvd enforcement-BP Mini Mart 995 Hopmeadow	n/a
3/22/2023	2300008036		None-ordinance states under age 16	Yes-Infr (GY)	Ill sale of Elec Nic Device <21	20	Adult recvd enforcement-Mitchell Mobil Mart 404 Hopmeadow	n/a

Town	Fines
Canton	First offense \$150; subsequent offenses \$200
Cheshire	not less than \$25, nor more than \$100
South Windsor	Not more than \$50 for first offense; not less than \$50 nor more than \$100 for each subsequent offense
Windsor	\$35