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ANSONIA BOARD OF ALDERMEN  
ORDINANCE COMMITTEE

*Janet Victoria Waugh*  
TOWN AND CITY CLERK  
ANSONIA, CONNECTICUT

Wednesday, February 3<sup>rd</sup>, 2016  
7:00 P.M. Aldermanic Chambers

MEETING AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF PREVIOUS MINUTES

PUBLIC SESSION

CONSIDERATION OF DRAFT ORDINANCES/CITY POLICIES:

- A. Prohibition of Sexual Offenders on Designated City Owned Properties
- B. City Policy on Background Screening for Youth Volunteers
- C. Penalties for Violations of Building, Zoning and Inland Wetlands Regulations
- D. Prohibition of Tobacco Use on designated City Owned Properties
- E. Prohibition of Dogs/Animals on Playing Surface of City Fields
- F. Incentive for Fire and ARMS Volunteers

ADJOURNMENT

**NOTICE TO THE PUBLIC**

To insure ADA Compliance please call (203)-736-5900 48 hours prior to meeting.

## **CITY OF ANSONIA CHILD PROTECTION ORDINANCE**

Authority: CGS Sections 7-148(b) and 7-148 (c)(7)(H)(xiii) and 7-148 (10)

### **Section 1 Legislative Determination; Municipal Interest:**

The Connecticut Legislature has determined that persons convicted, or found not guilty by reason of mental disease or defect (as defined in Connecticut General Statutes section 54-250 (6) as amended), of certain criminal and sexual offenses against minors and sexual offenses against others, present a continuing and persistent danger to the health and safety of the public such that registration of those individuals is required with the Connecticut Commissioner of Public Safety ("Registry"). According to the Registry, certain of these registered individuals ("Registrant") reside within Ansonia. The City of Ansonia's parks, playgrounds, educational, library, recreational and sports facilities are provided and furnished for the use of children and families, and The City of Ansonia has compelling interest in protecting children from the threat of sexual abuse and predation.

### **Section 2 Purpose:**

The public health, safety and welfare of the children of the City of Ansonia in particular and the people of the community at large will be best served by keeping persons required to register with the Registry pursuant to Connecticut General Statutes 54-251, 54-252, 54-253 or 54-254 away from children on and in municipal property and facilities used for education, library, recreation, sports and youth activities. The purpose of this ordinance is to protect children by defining such child safety zones and by prohibiting Sex Offenders from entering into those places.

### **Section 3 Definitions:**

A) "Child Safety Zone" and "Zone" mean a public park, playground, recreation and/or teen center, sports facility, youth sports field, youth garden, youth farm enterprise, school or educational facility, library, including land on which such facilities are located (including such facilities' parking area) which is used for educational, recreational, sports, youth activities or child care purposes, and which is owned or under the control of any municipal agency including, without limitation, the Ansonia Board of Education or any regional or inter-local education provider in which The City of Ansonia is a participant; and a horizontal distance of 1000 feet from the property line of any such facility. Child Safety zone does not include any public street or highway, nor does it include a public sidewalk that is located inside the boundaries of a Child Safety Zone.

B) "Sex Offender" and "Registrant" mean any person who has been convicted or found not guilty by reason of mental disease or defect in this or any other state, jurisdiction or federal or military court of a 'criminal offense against a victim who is a minor" or "nonviolent sexual offense", a "sexually violent offense" or any felony that the court has found "was committed for a sexual purpose" as those terms are defined in Connecticut General Statutes sections 52-250 subsections (2), (5), (11) and (12) and who is required to register with the Registry as a result of such criminal activity pursuant to any provision of the Connecticut General Statutes as amended. In the case of any other state, jurisdiction or federal or military court, such person shall be considered a sex offender if the conviction or acquittal by reason of mental disease or defect is for any crime the essential elements of which are substantially the same as the crimes and offenses described in Connecticut General Statutes section 52-250 (2), (5) and (11).

**Section 4 Prohibition and Applicability:**

- A) It shall be unlawful for a Sex Offender to be present in any Child Safety Zone.
- B) This ordinance shall not apply to any person whose name has been removed from the Registry or from the registry of any other state, jurisdiction or federal or military registration system as a result of court order or expiration of the term of such person's registration requirement. This ordinance shall not apply to a Registrant if such person is, on the effective date hereof, or upon the creation or expansion of any new Child Safety Zone, a resident of a dwelling located within the Child Safety Zone, and if such person's activities within the Zone consist of normal travel to and from such dwelling and customary activities on the property of such dwelling.
- C) No Registrant shall be considered in violation of this ordinance if such person enters a Child Safety Zone that is being used as a polling place in any governmental election or referendum, provided such Registrant leaves the facility and Zone immediately after voting. No Registrant shall be considered in violation of this ordinance if such person is a custodial parent or legal guardian of a child and enters a Zone for the purpose of dropping off or picking up his or her child provided the Registrant leaves the Zone immediately after dropping the child off or picking the child up. Similarly, no Registrant shall be considered in violation of this ordinance if such person is a custodial parent or legal guardian of a child and enters a Zone for the sole purpose of meeting with an adult to discuss such child's medical care or condition or educational program, provided such Registrant leaves the facility immediately upon completion of such meeting. No Registrant shall be considered in violation of this ordinance if such person enters the Library for the purpose of conducting normal business provided such Registrant leaves the facility upon completion.

- D) This ordinance shall not apply to the extent that the conduct which is prohibited by this ordinance is in conflict with the terms of a judicially imposed sentence, order of probation or condition of parole that has been imposed upon a specific individual who is a Sex Offender.

**Section 5 Notice; Signs:**

- A) By the effective date of this ordinance, the Mayor of Ansonia or his designee shall promptly make reasonable efforts to provide actual written notice of the passage of this ordinance (which notice shall contain a copy of the ordinance) to all Registrants who, according to Registry records, reside in Ansonia as well as those persons who are thereafter added to the Registry and reside in Ansonia Registrants or who move to Ansonia. Such notice requirement may be satisfied by the mailing of such notice by certified mail; return receipt requested to the last known address of such person as listed on the Registry or as otherwise known to the Mayor. The failure of any person to receive such actual written notice shall not be a defense to a violation of this ordinance.
- B) Each Child Safety Zone shall be identified as such by a sign conspicuously posted at the primary entrance of or within the zone. The sign shall provide a warning that the area is a Child Safety Zone and that the presence therein or thereon by a registered Sex Offender is a violation of a municipal ordinance punishable by a fine.

**Section 6 Enforcement:**

Any police officer having powers of arrest within the City of Ansonia is authorized to enforce this Ordinance. If a police officer reasonably believes that a Sex Offender is in a Child Safety Zone in violation of this Ordinance, or that a Sex Offender has been in a Child Safety Zone in violation of this ordinance, the officer shall require that such person provide his or her name, address and telephone number. If it is established that the individual is a Sex Offender, the officer shall then issue a written warning that such person is in violation of this Ordinance and require the person to leave the Zone and not return. If the person refuses to leave or is later found to be in the same or any other Child Safety Zone, or if the officer reasonably believes the person has later visited the same or another Child Safety Zone, the officer may issue a citation and the penalties set forth in subsection (7) of this Ordinance shall apply.

**Section 7 Penalty:**

Any person in violation of this section shall be fined in the amount of two hundred fifty dollars (\$250) for each violation. Fines under this Ordinance shall abate in the event the prohibited conduct results in a conviction for a new criminal offense

under any applicable state or federal law or when the prohibited conduct is the basis for and results in the revocation of any condition of parole or probation. Any such citation may be appealed to a hearing officer(s) appointed by the Board of Aldermen in accordance with Connecticut General Statutes Section 7-152c.

**Section 8 Severability:**

If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this Ordinance is judicially determined to be in conflict or inconsistent with state law, state law shall prevail.

**CITY OF ANSONIA**  
**BACKGROUND SCREENING OF VOLUNTEERS POLICY**

We understand that many organizations depend heavily upon volunteerism. It is the goal of the City of Ansonia and its Recreation Department to enhance public confidence and lessen the risk of exposure to liability due to a lack of knowledge regarding volunteers' background. Therefore we are requiring all youth serving organizations utilizing City facilities to take steps to screen volunteers.

The time, energy, and financial investment of prevention strategies such as conducting a proper background screening, represents a fraction of the impact incidents such as sex abuse, violence, neglect, or other crimes and abuses can have on our participants, organization and community. The saying that a "bad volunteer is better than no volunteer" is untrue and dangerous, and should never be considered appropriate. It is within our capacity to provide support and guidance to the user groups to assist in reaching these goals.

It is the City's our goal to:

- Raise public awareness of quality programs offered.
- Make the safety of all participants, particularly the most vulnerable groups (children, elderly, mentally challenged, etc.) a top priority.
- Keep people with a history of inappropriate behavior out of the organization.
- Select the "most qualified" volunteers for positions.

The Screening Process Volunteers are to be considered with the same scrutiny as paid staff and should be recruited, screened, trained, supervised, and evaluated with the same rigor as paid staff. The law in most cases does not differentiate between paid vs. volunteer staff.

**Comprehensive and Due Diligent Background Screening**

A comprehensive and due diligent background screening practice can be an achievable benchmark for all youth serving organizations when positioned as a public safety or risk management issue. The Background Screening Process is an ongoing process and should be subject to review and changes at any time.

These guidelines are based upon industry practices in private, public and non-profit areas. The following elements are included in this screening process:

**Recommended Guidelines**

It is policy of the City of Ansonia and its Recreation Department that we follow the recommendation of the ***National Recreation and Park Association*** to implement the following volunteer management guidelines for credentialing volunteers through comprehensive background screening:

The recommended guideline for comprehensive background screening or background check is defined to include:

- **Social Security Verification** – Verify the name of every volunteer against the Social Security Number provided. This helps to eliminate the possibility of false names and/or information.
- **Address Trace** – Verify the current address and identify any previous address of every volunteer. This information is utilized to determine the jurisdiction in which the background screening is conducted.
- **State or County Criminal Record Check** – A Statewide or Countywide (depending on the jurisdiction) criminal record check is performed to capture all misdemeanor and felony convictions in that jurisdiction. The search should be conducted in the jurisdiction with the longest and most current residency.
- **National Criminal History Data Base search** – There is no one national records check whether through the government or private sector that identifies every crime ever committed. However, there are now criminal history data bases available that contain millions of criminal records and cover the much of the United States. These databases can be accessed and used to supplement the local criminal history search. This is beneficial in expanding the search across the country but should not be used as a stand-alone source for your background screening.
- **Sex Offender Registry** - Search of the appropriate state sex offender registries based on the address history. This is an important supplement to criminal history searches but should not be used as a stand-alone source for your background screening.
- **Timely results** – A background screening process should be timely and results should be returned within 10 business days on average to allow for proper planning and assignment of volunteers.

### **Non US Citizens**

In handling background checks on individuals without Social Security numbers, it is suggested that in place of the SSN the volunteer applicant state “No SSN”. Each local organization should take appropriate measures to insure that the

name, date of birth and addresses are all valid for individuals without Social Security numbers.

### **Who will be screened?**

A volunteer background-screening program must include all volunteers, especially those who will have contact or access to all vulnerable individuals (youth, elderly, disabled individuals, etc.) in your programs.

### **How often should Background Screenings be conducted?**

Each volunteer should be screened on an initial basis, with possible follow-up checks conducted by staff using state and local resources as needed. The fact that someone may have a clear background check once does not insure that they will never commit serious crimes in the future. In one year it is entirely possible for someone to be arrested and convicted through most of the court systems in the United States.

### **Confidentiality**

To protect the privacy of the volunteer, the City of Ansonia maintains a policy that respects the privacy of the volunteer and establishes that information received during a volunteer's screening process will not be disclosed outside of the organization and will be shared within the organization only on a "need to know" basis.

The information provided to the City of Ansonia by the leagues/ facility user groups which include personal data on the volunteer shall be kept in secure locations and only in the hands of authorized personnel. The City of Ansonia might, in special circumstances, have a duty to disclose to third parties, including government agencies, certain types of information when the law requires. The applicants screened and results are recorded along with the date.

### **Criteria for Exclusion**

A person should be disqualified and prohibited from serving as a volunteer if the person has been found guilty of the following crimes: (Guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Prose, or dismissal.

### **SEX OFFENSES**

- ***All Sex Offenses*** – Regardless of the amount of time since offense.

**Examples include:** child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, bestiality, possession of child pornography, etc.

## **FELONIES**

- **All Felony Violence** – Regardless of the amount of time since offense.

**Examples include:** murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.

- **All Felony offenses other than violence or sex within the past 10 years.**

**Examples include:** drug offenses, theft, embezzlement, fraud, child endangerment, etc.

## **MISDEMEANORS**

- All misdemeanor violence offenses within the past 7 years

**Examples include:** simple assault, battery, domestic violence, hit & run, etc.

- All misdemeanor drug & alcohol offenses within the past 5 years or multiple offenses in the past 10 years.

**Examples include:** driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

- **Any other misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the functions of that volunteer.**

**Example include:** contributing to the delinquency of a minor, providing alcohol to a minor, theft – if person is handling monies, etc.

## **PENDING CASES**

Anyone who has been charged for any of the disqualifying offenses or for cases pending in court should not be permitted to volunteer until the official adjudication of the case.

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR  
VIOLATIONS OF THE ZONING REGULATIONS AND THE INLAND  
WETLANDS AND WATERCOURSES REGULATIONS.**

**SECTION 1. AUTHORIZATION.** This Ordinance is adopted pursuant to the Connecticut General Statutes, §§7-152c, 8-12a and 22a-42g, as amended.

**SECTION 2. DEFINITIONS.** As used in this ordinance:

- (a) **“Zoning Violation”** means any violation of the Ansonia Zoning Regulations as determined by the Ansonia Planning and Zoning Commission or its Zoning Enforcement Officer.
- (b) **“ Zoning Enforcement Officer”** means that person designated by City of Ansonia to enforce the Zoning Regulations pursuant to the Connecticut General Statutes, §§8-3(e) and 8-12.
- (c) **“Wetlands Violation”** means any violation of the Ansonia Inland Wetlands and Watercourses Regulations as determined by the Ansonia Inland Wetlands and Watercourses Commission or its duly authorized agent.
- (d) **“Wetlands Agent”** means that person designated by the City of Ansonia to enforce the Inland Wetlands and Watercourses Regulations pursuant to Connecticut General Statutes, §§22a-42a(c)(2) and 22a-44, as amended.
- (e) **“Hearing Officer”** means any person(s) appointed by the Mayor of Ansonia pursuant to Connecticut General Statutes, §7-152c(b), as amended, to conduct hearings of contested citations issued pursuant to this Ordinance. No person who serves as a Zoning Enforcement Officer, Wetlands Agent, building official, police officer, an employee or person who issues citations or a member of the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, or Zoning Board of Appeals shall serve as hearing officer.

**SECTION 3. ZONING VIOLATIONS.**

(a) The Zoning Enforcement Officer is authorized to issue citations for zoning violations as authorized by this Ordinance. The citation may be served by hand delivery or by certified mail, return receipt requested, to the owner or lawful occupant of the premises where the violation exists. If the person named in the citation refuses to accept certified mail, the citation may be served by first class mail to the person’s last known address of record.

(b) The fine for each violation shall be ONE HUNDRED FIFTY DOLLARS (\$150.00). Multiple violations may result in multiple fines on the same premises, and for continuing violations, each day of violation shall be considered a separate offense, but only one citation need be served for either multiple or continuing violations arising

from the same use, structure, condition, act or activity.

(c) The fine shall not accrue until thirty (30) days following the date of issuance of the citation.

#### **SECTION 4. WETLANDS VIOLATIONS.**

(a) Both the Wetlands Agency and the Wetlands Agent are authorized to issue citations for wetlands violations as authorized by this Ordinance. Such citation may be served by hand delivery or by certified mail, return receipt requested, to the owner or lawful occupant of the premises where the violation exists. If the person named in the citation refuses to accept certified mail, the citation may be served by first class mail to the person's last known address of record.

(b) The fine for each violation shall be ONE HUNDRED FIFTY DOLLARS (\$150.00). Multiple violations may result in multiple fines on the same premises, and for continuing violations, each day of violation shall be considered a separate offence, but only one citation need be served for either multiple or continuing violations arising from the same condition, act or activity. The maximum fine for a wetlands violation citation under this Ordinance shall not exceed ONE THOUSAND DOLLARS (\$1000.00), regardless of the number of days the violation exists.

(c) The fine shall not accrue until thirty (30) days following the date of issuance of the citation.

#### **SECTION 5. CITATION PROCEDURE.**

(a) Any person receiving such a citation shall be allowed a period of thirty (30) days from receipt of the citation to resolve the violation and to make an uncontested payment of the fine specified in the citation to the person(s) issuing the citation, or the Town and City Clerk, payable to the City Treasurer. If the citation has been sent by regular mail pursuant to the provisions of this Ordinance, the day of receipt of the citation shall be deemed to be three business days after the mailing of the citation.

(b) If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation, payable to the City Treasurer within the time allowed under this Ordinance, the person(s) issuing the citation shall send a notice to the person cited by certified mail, return receipt requested, informing such person: (1) of the allegations against such person and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed by the Mayor of the City of Ansonia as provided in this Ordinance, by delivering, in person or by certified mail, return receipt requested within ten days of the date of the notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against such person; and (4) that such a judgment may issue without further notice.

(c) If the person who is sent notice pursuant to this Ordinance wishes to admit liability for any alleged violations, such person may, without requesting a hearing, resolve the violation and pay the full amount of the fine, either in person or by mail, to the Zoning Enforcement Officer or Wetlands Agent, as the case may be, or to the Town and City Clerk. All fines shall be made payable to the Treasurer of the City of Ansonia. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in subsection 5(b) of this Ordinance shall be deemed to have admitted liability, and the Zoning Enforcement Officer or the Wetlands Agent or the Wetlands Commission, as the case may be, shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures hereinafter set forth in subsection 6(b) of this Ordinance.

## **SECTION 6. HEARING PROCEDURE.**

(a) Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of the notice, provided the Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the City of Ansonia, and shall be deemed to be a business record within the scope of Connecticut General Statutes §52-180 and evidence of the facts therein. The presence of the Zoning Enforcement Officer or the Wetlands Agent or a member of the Inland Wetlands Commission, as the case may be, shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in such person's behalf. The Zoning Enforcement Officer or the Wetlands Agent or members of the Wetlands Commission may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against such person upon finding of proper notice and liability under the applicable provisions of the Zoning Regulations or the Inland Wetlands and Watercourses Regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as the Hearing Officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce the decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance.

(b) If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court, together with an entry fee of \$8.00. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment in the amount of such record of assessment and court costs of \$8.00 against such person in favor of the City of Ansonia. Notwithstanding any other provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

#### **SECTION 7. APPEAL.**

A person against whom an assessment has been entered pursuant to this Ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen the assessment, together with an entry fee in an amount equal to the entry fee for small claims cases pursuant to the Connecticut General Statutes, §52-259, in the Superior Court, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

#### **SECTION 8. MISCELLANEOUS PROVISIONS.**

The remedies set forth in this Ordinance shall be deemed to be in addition to such other remedies as are provided by law. The decision to assess fines under this Ordinance shall be an exercise of municipal discretion, and shall not prevent the Zoning Enforcement Officer or the Wetlands Agent or the Inland Wetlands Commission, as the case may be, from instituting enforcement action, such as a cease and desist order or order to show cause, concurrently with the assessment of fines.

**PENALTY FOR WORK WITHOUT BUILDING PERMIT**

The penalty fee for commencing work for which a building permit is required prior to issuance of a building permit or proper notification to the Building Official shall be Two Hundred and Fifty Dollars (\$250.00)

**ORDINANCE TO PROHIBIT DOGS AND OTHER ANIMALS  
FROM CERTAIN PUBLIC PLACES**

No dogs or other domestic animals, whether leashed or unleashed, attended or unattended, shall be permitted on the playing surface of athletic fields owned by the City of Ansonia. This ordinance does not apply to areas other than the playing surface of athletic fields, such as surrounding spectator areas, and/or playgrounds. This Ordinance shall not apply and shall not be enforced during such events as may be identified by the Mayor of the City of Ansonia and/or Ansonia Board of Aldermen in advance.

The prohibitions of this Ordinance shall not apply at any time to "service," "guide," and/or "assistance" dogs as defined by law, including without limitation, General Statutes § 46a-44(d).

A violator of this Ordinance shall be fined \$50.00 for each separate violation.

## TOBACCO FREE RECREATION

### **Section 1: Findings and purpose.**

(1) The Ansonia Board of Aldermen endorses the following:

(a) The mission of the City's Park and Recreation Department is to provide recreational and leisure opportunities that enhance the quality of life for the citizens of the City of Ansonia and to provide safe environments. The City's Park and Recreation Department has an obligation to prohibit those activities that it deems contrary to this mission.

(b) The City cares deeply about promoting the good health and quality of life for its citizens and visitors.

(c) Tobacco use is the single most preventable cause of death and disease in the United States.

(d) Secondhand smoke contains many harmful chemicals and cancer-causing agents and is a serious health risk to humans, especially to infants, children and pregnant women, and increases a nonsmoker's risk for asthma, heart disease and lung cancer.

(e) Chewing tobacco contains many harmful chemicals and cancer-causing agents, and its use is associated with cancers of the mouth, gums, tongue, and throat.

(f) The use of chewing tobacco is associated with saliva or spit being cast upon the ground, seating areas, and other surfaces in recreational areas, resulting in increased risk of nonusers being exposed to bacteria and viruses of a variety of respiratory illnesses.

(g) Tobacco use in and around these recreational facilities creates the contradictory message of young people being encouraged and coached by adults to engage in healthy activities, while at the same time being exposed to adults and older youth using tobacco products which cause adverse health effects as the result of exposure to secondhand smoke and/or spit or saliva.

(h) Tobacco use, exposure to secondhand smoke, and exposure to tobacco saliva are clearly contrary to enhancing the quality of life and providing safe environments.

(2) Based on the endorsements listed above, the purpose of this section is to provide for the health of and protect the safety of the inhabitants of the City by regulating, pursuant to Section 7-148(c)(7)(H)(xvi) of the Connecticut General Statutes, activities deemed to be deleterious to public health on property owned by the City and which are used for

recreational purposes. This section will enhance the enjoyment of all persons using said property.

## **Section 2: Definitions.**

As used in this section, the following words and phrases shall have the meanings indicated.

RECREATIONAL PROPERTY means any public park property owned by the City and used for the purpose of public recreation. The term "recreational property" shall not include school grounds.

SCHOOL GROUNDS means a parcel of land or portion thereof used for school purposes and operated by the City of Ansonia Board of Education.

SMOKE or SMOKING means the lighting or carrying of a lighted cigarette, cigar, pipe or similar device.

## **Section 3: Violations.**

It shall be a violation of this section for:

- (1) Any person to use tobacco in any form on or within any recreational property, including without limitation, smoking, chewing or spitting tobacco or tobacco products.
- (2) Any person to use smoke on or within any recreational property.

## **Section 4: Penalties for offenses.**

Any person who violates any provision of this section shall be guilty of an infraction subject to a fine of \$50 for each separate offense or violation. Any and all remedies that the City has in enforcing this section, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

## **Section 5: Posting by City Park and Recreation Department.**

The City of Ansonia's Park and Recreation Department shall, subject to the City of Ansonia's Board of Recreation Commission's approval of scope and location, post a sign or signs on a recreational property stating such recreational property is a "tobacco-free zone" to indicate that said recreational property is subject to this section, and there shall be distinctly marked designated smoking areas, though nothing in this section shall obligate the City of Ansonia to maintain a smoking area at any recreational or school property.

## **Section 6: Savings clause.**

If any subsection, clause, provision or portion of this section, or if any regulation established pursuant to the terms of this section, shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this section or of any regulation established pursuant to the terms of this section.

**Section 7: Activities otherwise prohibited.**

No provision of this section shall serve to validate any activity otherwise prohibited by state or local law or lawfully enacted zoning regulations.

**Section 8: Penalties for offenses.**

Any person convicted of a violation of this article shall be subject to a fine not to exceed \$100. Any person damaging park property shall be liable for any and all related damages.