

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 40
MISCELLANEOUS PROVISIONS AND OFFENSES

ARTICLE VII
BATHING AND SWIMMING

No..... Date.....

Approved.....Mayor

Be it ordained by the City of Warwick:

Section I. Chapter 40 of the Code of Ordinances of the City of Warwick is hereby amended to add the following:

Sec. 40-54. Legislative findings and intent. – (a) 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 right to unpolluted air space is the uncontrolled smoking on state beaches.

(b) The city of Warwick is committed to keeping its beaches clean, safe, healthy, and pleasant for everyone.

(1) Smoking is hazardous to health and numerous studies have shown that secondhand smoke is a significant public health hazard.

(2) Smoking in public places, including beaches, endangers children and others by exposing them to secondhand smoke.

(3) The United States Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen.

(4) 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.

(5) Discarding cigarettes butts, cigar butts, and tobacco waste on beach sand is unsightly, unclean, and particularly hazardous to small children who handle and sometimes ingest them.

(6) Cigarette butts are the top pollutant on beaches and, if uncollected, may wash directly into ocean waters to the detriment of marine life and all ocean users.

(7) Cigarette butts do not biodegrade and they contain two hundred (200) known poisons, sixty-three (63) of which are shown to cause cancer.

(8) Prohibiting smoking and the improper disposal of tobacco products on beaches under the jurisdiction of the city is necessary to protect the public health, safety, and welfare of all

1 residents and visitors. The city intends, by the enactment of this chapter, to protect the health and
2 atmospheric environment of the nonsmoker by regulating smoking on public beaches.

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4 **23-20.13-2. Definitions.** – As used in this chapter:

5 (1) "Smoking" or "to smoke" or "smoke" means and includes the inhaling, exhaling,
6 burning; or

7 (2) Carrying of any lighted smoking equipment or paraphernalia.

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9 **23-20.13-3. Smoking prohibited on public beaches.** – Notwithstanding the provisions
10 of chapter 20.6 of title 23:

11 (a) No person shall smoke a cigarette, cigar, or other tobacco-related product on, or
12 within twenty feet (20 ft.) of any beach under the jurisdiction of the city.

13 (b) No person shall dispose of cigarette butts, cigar butts, or any tobacco-related waste
14 on, or within twenty feet (20 ft.) of any beach under the jurisdiction of the city.

15 (c) Every person convicted of a violation of subsection (a) or (b) of this section shall be
16 guilty of a misdemeanor and subject to a mandatory fine of not less than one hundred fifty dollars
17 (\$150) nor more than three hundred dollars (\$300) upon a first conviction; by a mandatory fine
18 of not less than five hundred dollars (\$500) nor more than four hundred dollars (\$400) upon a
19 second conviction; and by a mandatory fine of not less than four hundred dollars (\$400)
20 nor more than five hundred dollars (\$500) upon a third or subsequent conviction.

21 (d) The court may, in addition to the fine imposed upon a conviction, require as a
22 condition of probation, in addition to any other condition of probation, that any person convicted
23 of a violation of subsection (b) of this section, pick up litter on, or within twenty feet (20 ft.) of
24 any beach under the jurisdiction of the city for not less than eight (8) hours.

25 (e) Any person convicted for a violation of this section may, upon a showing that
26 payment of the total fine would pose a hardship on the defendant or his or her family, be
27 sentenced to perform public community restitution on any beach within the jurisdiction of the
28 city in lieu of the total fine that would otherwise be imposed.

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31 Section II. This Ordinance shall take effect upon passage and publication as prescribed by law.

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40 SPONSORED BY: COUNCILMAN MEROLLA
41 COUNCILWOMAN USLER
42 COUNCILMAN LADOUCEUR

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44 COMMITTEE: ORDINANCE