

Section 2
Ordinance Proposal:

Smoke-free Automobiles with Animals:
Chapter 2
Automobiles and Traffic Regulations
Section. 23.

A) Smoke-Free Automobiles with Animals

1) Purpose.

The purpose of this section is to protect the animal's health, safety, and welfare by addressing and prohibiting smoking/vaping and second-hand smoke/vape during the operation and/or loitering within a motor vehicle while there is an animal present within the confined space of a motor vehicle.

2) Definitions.

(a) "Tobacco and/or cannabis/marijuana products, substitutes and/or alternatives" shall mean cigarettes, electronic cigarettes, vapor cigarettes, cigars, cheroots, stogies, blunts, splifs, dabs, rollies, refuse scraps, clippings, cuttings and sweepings of tobacco and/or cannabis/marijuana, and other kinds and forms of tobacco and/or cannabis/marijuana prepared in a manner suitable for smoking in a pipe and/or vape device or otherwise for smoking.

(b) "Smoking" shall mean, possession of lighted tobacco and/or cannabis/marijuana products or use of tobacco substitutes and/or alternatives including vaping.

(c) "Loitering" shall mean, occupying a motor vehicle with an animal present within such motor vehicle while smoking/vaping during operation, parked and/or as a passenger.

(d) "Confined Space" shall mean, limited or restricted means of entry or exit having the potential to contain a hazardous atmosphere within the motor vehicles cab, interior, front/back seats and/or trunk.

3) Exceptions.

The prohibition of smoking/vaping with an animal present within a motor vehicle shall not apply to:

(a) Any animal not in the confined space of a motor vehicle.

- (b) Any animal riding in a trailer or bed of a pickup truck.
- (c) Any animal riding in a convertible with the top down.

4) Enforcement.

Any law enforcement officer may enforce the provisions of this section. Prior to the issuance of a Vermont Municipal Complaint, a law enforcement officer shall warn the person to be issued of the prohibition and ask the person to cease smoking/vaping. The failure to immediately stop smoking/vaping at that time after such warning shall be a civil ordinance violation punishable by a penalty of fifty dollars (\$50.00), the waiver penalty for which shall be fifty dollars (\$40.00). Law enforcement officers do not need to issue additional warnings to any person who has been previously warned of the prohibitions in this section and a person so previously warned who engages in the activity prohibited by this section.