

TOWN OF LUDLOW, VERMONT

ORDINANCE PROHIBITING DRUG, TOBACCO & VAPING PARAPHERNALIA ESTABLISHMENTS & FURTHER PROHIBITING MARIJUANA DISPENSARIES

1. Purpose & Authority
2. Definitions
3. Violation & Enforcement
4. Conflicts With Other Applicable Laws
5. Severability
6. Publication & Effective Date

ARTICLE I. PURPOSE & ENABLING AUTHORITY

- 1.01 Pursuant to the authority granted them by 24 V.S.A. § 1971 of the Vermont Statutes Annotated, the Select Board for the Town of Ludlow hereby adopts the following Ordinance to prohibit the establishment of medical marijuana dispensaries, any retail establishment that sells marijuana or related products (should that become legal in the state of Vermont), drug and tobacco paraphernalia establishments in the Town of Ludlow.
- 1.02 It is the intent for the Ludlow Select Board to promote a family friendly atmosphere within the Town. This objective applies to the residents of the Town and all our visitors. With that in mind it is important to endeavor to protect all children from exploitation by those promoting the illegal consumption of tobacco and tobacco related products as well as the trafficking of illegal drugs and drug-related products. This goal is of highest priority within the Town of Ludlow.
- 1.03 With the above stated goal in mind the Ludlow Select Board agrees that:
 - A. Establishments that sell or display drug, tobacco and vaping paraphernalia fosters this by regulating the exposure of minors to businesses seeking to expand consumption of tobacco and drug use by minors should be prohibited.
 - B. Establishments that sell or display drug, tobacco and vaping paraphernalia and other items promoting the use of illegal drugs characterize such paraphernalia as intended for use with tobacco products but may alternately be used for other purposes should be prohibited.
- 1.04 This regulation is intended to prohibit establishments that solely:
 - A. Sell and/or display drug, tobacco and vaping paraphernalia and is intended to help reduce the illegal consumption and purchase of illegal drugs and tobacco by

minors by limiting their exposure to drug, tobacco and vaping paraphernalia and items promoting such illegal use.

- B. Sell or display marijuana, hashish, hash oil, CBD Oils, THC analogs, synthetic cannabinoids including edible products containing marijuana, its natural analogs, synthetic cannabinoids or any other derivative of marijuana. This includes marijuana intended for medicinal purposes, or recreational use should marijuana become legal in the State of Vermont, promotes the general welfare and temperance of children and is intended to help reduce the consumption and purchase of drugs by minors by limiting their exposure to items promoting such use.

ARTICLE II. DEFINITIONS

For the purposes of this Ordinance the following terms shall have the meanings stated:

2.01 Drug, Tobacco and Vaping Paraphernalia Establishment:

Shall mean any premises where drug, tobacco or vaping paraphernalia is displayed for sale, offered for sale or sold, and which devotes more than a one foot by four foot (one foot in depth maximum) section of shelf space for drug, tobacco and vaping paraphernalia.

2.02 Drug, Tobacco and Vaping Paraphernalia:

- A. Including but not limited to one or more of those items identified in that list set forth in Subdivision "C" below, shall mean any device designed primarily for use by individuals for the smoking, vaporizing or ingestion of tobacco, e-juice, marijuana, hashish, hashish oil, cocaine or any other "controlled substance," as that term is defined under schedules I through V in the federal Controlled Substance Act, 21 U.S.C. § 801 et seq., as amended.
- B. A device "designed primarily for" the smoking or ingestion set forth in subdivision A. above, is a device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking, vaporizing or ingestion of tobacco, e-juice, marijuana, hashish, hashish oil, cocaine or any other "controlled substance," and is peculiarly adapted to that purposes by virtue of a distinctive feature or combination of features associated with tobacco or drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.
- C. Includable items or devices:
 - o Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent or otherwise, heads or punctured metal bowls;

- A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke that would otherwise be possible, whether the device is known as a “bong,” or otherwise;
- A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested;
- A smokable pipe which contains a heating unit, whether the device is known as an “electric pipe,” or otherwise;
- A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a “buzz bomb,” or otherwise;
- A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user’s lungs under pressure, or otherwise;
- A device for holding burning material, such as a cigarette that has become too small or too short to be held in the hand, whether the device is known as a “roach clip,” or otherwise;
- A device for vaporizing oil, juices, dabs, marijuana, hashish and any other tobacco, flavored “juices” whether the “juice” contains nicotine or not; this includes all varieties of e-cigarettes, vaping canisters or any other product or device used to vaporize any product for ingestion.

D. Lighters and matches shall be excluded from the definition of tobacco and drug paraphernalia.

E. Marijuana dispensaries are defined as establishments that sell or display marijuana, hashish, hash oil, CBD Oils, THC analogs, synthetic cannabinoids including edible products containing marijuana, its natural analogs, synthetic cannabinoids or any other derivative of marijuana. This includes marijuana intended for medicinal purposes, or recreational use should marijuana become legal in the State of Vermont, promotes the general welfare and temperance of children and is intended to help reduce the consumption and purchase of drugs by minors by limiting their exposure to items promoting such use.

ARTICLE III: ENFORCEMENT

3.01 This ordinance is designated as a Civil Ordinance, pursuant to 24 VSA § 1971 (b). This ordinance may be enforced by any issuing municipal official by issuing a Municipal Complaint under 24 VSA § 1977 (a).

3.02 Prosecution of any violation of this Ordinance shall be undertaken by either the enforcement officer or a representative designated by the Town of Ludlow in the Vermont Municipal Traffic and Ordinance Bureau.

ARTICLE IV: PENALTIES:

- 4.01 Any person, business, or institution determined to have violated any provision of this ordinance may be punished by a civil fine not to exceed Eight Hundred Dollars (\$800.00) for each violation and in the case of continuing violation, not more than Two Hundred Dollars (\$200.00) for each succeeding day for each violation, as provided by Vermont Statutes.

ARTICLE V: CONFLICTS WITH OTHER APPLICABLE LAWS

- 5.01 Nothing in the definition of Drug, Tobacco and Vaping Paraphernalia Establishments or Marijuana Dispensaries is intended to, nor shall be interpreted as legalizing or applying to the delivery, furnishing, transferring, possessing or manufacture of drug paraphernalia or any use otherwise prohibited by state or federal law.

ARTICLE VI: SEVERABILITY

- 6.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE VII: PUBLICATION & EFFECTIVE DATE

- 7.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 7.02 This ordinance shall be entered in the minutes of the Ludlow Select Board meeting and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 7.03 This Ordinance shall become effective on August 5, 2016, sixty (60) days after the date of its adoption by the Ludlow Select Board unless a petition is filed with the Town Clerk by July 20, 2016, forty-four (44) days after the date of its adoption. The petition should be addressed to the Ludlow Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.


Questions about the Ordinance Prohibiting Drug, Tobacco and Vaping Paraphernalia Establishments and Further Prohibiting Marijuana Dispensaries may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby adopted by the Select Board of the Town of Ludlow, Vermont this 6th day of June, 2016.

**TOWN OF LUDLOW
SELECT BOARD**


Howard Barton, Jr., Chair


Bruce Schmidt


Brett Sanderson


John Neal

Logan Nicoll

Date of Adoption: 6/6/16