

City Council Workshop

Agenda Item #2

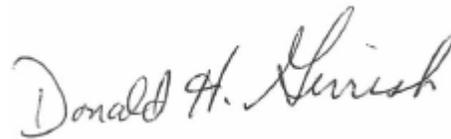
September 26, 2016

Tobacco/Vapor Free Zones

This item is brought forward at the request of Parks and Recreation Director Kevin Adams and the Opportunity Alliance Public Health Program to consider establishing tobacco free and Vapor free zones in the City of South Portland.

The purpose is to address the use of any tobacco and vapor products on, in or at playgrounds and recreational facilities.

Attached is a memo from Parks & Recreation Director Kevin Adams regarding this item. Kevin along with Jana Richards from Opportunity Alliance will be at Monday's meeting to answer additional questions.



Interim City Manager

MEMORANDUM

To: Don Gerrish, Interim City Manager

From: Kevin Adams, Director of Parks, Recreation, and Waterfront

Date: September 12, 2016

Re: Amendment to Ordinance Chapter 18 Article VIII – Sec. 18-83

BACKGROUND: The Parks, Recreation and Waterfront Department in conjunction with The Opportunity Alliance Public Health Program is requesting an amendment to Chapter 18 in the City's Ordinance to include language from State Statute MRSA 1541 regarding use of all smoking devices in Parks and Recreation Facilities.

It is our departments and the community's initiative to promote healthy lifestyles. With the advent and sale of new smoking devices, it is more difficult to uphold the current ordinance when a person is using a device not listed. Therefore, we ask the council to consider the amendment to the ordinance to include all devices considered to be used for smoking or vaping.

RECOMMENDATION: The Parks, Recreation and Waterfront Department in conjunction with The Opportunity Alliance Public Health Program, with assistance from the City's Corporation Counsel, is requesting an amendment to Chapter 18 in the City's Ordinance to include language from State Statute MRSA 1541 regarding use of all smoking devices in Parks and Recreation Facilities.

ATTACHMENTS:

- (1) Request Article VIII – Sec. 18-83 Proposed
- (2) Current Ordinance Chapter 18 Article VIII

We will attend the City Council Workshop on Monday evening, September 26th, to answer any questions.

Proposed

SOUTH PORTLAND CODE OF ORDINANCES

Chapter 18

ARTICLE VIII. TOBACCO-FREE PARKS AND RECREATION FACILITIES



Sec. 18-83. Definitions.

Electronic smoking device means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

Smoking means carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

Tobacco Products means any of the following (1) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, or snuff; or (2) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

Current

ARTICLE VIII. TOBACCO-FREE PARKS AND RECREATION FACILITIES

ARTICLE VIII. TOBACCO-FREE PARKS AND RECREATION FACILITIES

Sec. 18-81. Title.

This article shall be known as the “City of South Portland Tobacco-Free Parks and Recreation Facilities Ordinance.”

Sec. 18-82. Purpose.

This ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the City of South Portland’s parks, beaches and outdoor recreation facilities. The purpose of this ordinance is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

Sec. 18-83. Definitions.

Tobacco products means cigarettes, cigars, pipes, snuff, dip, chewing tobacco, weed, plant, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

Sec. 18-84. Tobacco use prohibited.

It shall be unlawful for any person to use tobacco products at or within 25 feet of all parks, beaches and outdoor recreation facilities owned and/or maintained by the City including but not limited to the following:

Anthoine Creek Park
Bug Light Park
Clarks Pond Trail System
Firefighters Park
Ge Erskine Park
Greenbelt Walkway
High Street Park
Hinckley Park
Fisherman’s Point Park
Legere Park
Legion Square Park
Mill Creek Park
Mountain View/Nelson Park
Pierce Street Park
School Street Park
Spring Point Shoreway
Thomas Knight Park
Wainwright Recreation Complex
Wilkinson Park
Willard Beach
Willard Park

Nothing in this ordinance shall prohibit smoking on privately owned residential property.

Sec. 18-85. Signage.

The Parks and Recreation Department shall work with the Public Works Department to post signage notifying the public of this prohibition at or near the parks, beaches and outdoor recreation facilities specified herein as well as in such other locations that, in its sole discretion, the Parks and Recreation Department deems necessary to notify the public of this ordinance.

Sec. 18-86. Enforcement.

The South Portland Police Department shall investigate and enforce the provisions contained in this ordinance. Nothing in this Tobacco-Free Ordinance shall prevent the enforcement agent from obtaining voluntary compliance by way of warning, notice or education.

Sec. 18-87. Penalties.

Any person in violation of any provision of this ordinance shall be subject to a civil penalty and upon adjudication thereof shall be fined in the amount of one hundred dollars (\$100.00) for the first offense; two hundred and fifty dollars (\$250.00) for a second offense; and five hundred dollars (\$500.00) for each violation thereafter.