

Introduced: 12/19/19  
Passed: 1/16/20  
Effective: 2/5/20

**ORDINANCE O-19-17**

**AN ORDINANCE OF THE TOWN COUNCIL OF CHESAPEAKE  
BEACH, MARYLAND, AMENDING CHAPTER 196, "PARKS  
AND PUBLIC AREAS", ARTICLE I, "REGULATIONS  
CONCERNING ALL PUBLIC PARKS, PUBLIC VENUES AND  
RESTRICTED PROPERTY", TO ENACT SECTION 196-9.1,  
"SMOKING ON TOWN PROPERTY", TO PROHIBIT SMOKING  
ON SPECIFIED TOWN PROPERTY AND TO PROVIDE A  
SANCTION FOR A VIOLATION OF SECTION 196-9.1.**

WHEREAS, pursuant to Md. Code Ann., Local Gov't. Article, § 5-202, Chesapeake Beach ("the Town") has the authority to adopt such ordinances as it deems necessary to assure the good government of the Town; protect and preserve the Town's rights, property, and privileges; and preserve peace and good order; and

WHEREAS, pursuant to Local Gov't Article, § 5-209(c) the Town has the specific authority to prevent and remove nuisances; and

WHEREAS, pursuant to this authority, the Town enacted which prohibits certain specified conduct in certain places; and

WHEREAS, medical studies have shown that exposure to secondhand smoke from tobacco causes illness and disease, including lung cancer, heart disease, and respiratory illness and the Town Council recognizes that tobacco smoke poses a grave and substantial threat to the public health, safety and welfare, and causes annoyance and discomfort to many members of the public; and

WHEREAS, the Town has an interest in protecting members of the public generally from the adverse impacts of secondhand tobacco smoke and from the annoyance and other adverse impacts of other noxious gases and vapors; and

CAPITALS : Indicate matter added to existing law

WHEREAS, the Town desires to amend Town Code, Chapter 196, Article I to prohibit smoking and vaping on certain Town property.

Section 1. NOW THEREFORE BE IT ORDAINED AND ENACTED by the Town Council of Chesapeake Beach that Town Code, Chapter 196, “Parks and Public Areas”, Article I, “Regulations Concerning All Public Parks, Public Venues and Restricted Property, be and hereby is amended to add Section 196-9.1 “Smoking on Town Property”, as follows:

SEC. 196-9.1. SMOKING PROHIBITED.

A. DEFINITIONS.

(1) “SMOKING” IS THE ACT OF LIGHTING, IGNITING OR GENERATING SMOKE FROM A PIPE, HOOKAH PIPE, CIGAR, ELECTRONIC CIGARETTE OR A CIGARETTE OF ANY KIND, INCLUDING THE USE OF ANY PRODUCT THAT EMITS SMOKE IN THE FORM OF GASES, PARTICLES, VAPORS OR OTHER BY-PRODUCTS RELEASED BY ELECTRONIC CIGARETTES, TOBACCO CIGARETTES, HERBAL CIGARETTES, MARIJUANA CIGARETTES AND ANY OTHER TYPE OF CIGARETTE, PIPE OR OTHER IMPLEMENT FOR THE PURPOSE OF INHALING VAPORS, GASES, PARTICLES OR THEIR BY-PRODUCTS RELEASED AS A RESULT OF COMBUSTION OR IGNITION.

(2) “VAPING” IS THE HEATING OF NICOTINE, CANNABIS OR FLAVORED AEROSOLS, THE ACTIVE INGREDIENTS IN WHICH ARE VAPORIZED AND THEN RELEASED INTO THE AIR IN A FINE MIST CREATED BY A VAPORIZER DEVICE.

B. PROHIBITED CONDUCT. SMOKING, VAPING, AND POSSESSING LIGHTED OR IGNITED TOBACCO, NICOTINE OR MARIJUANA PRODUCTS ARE PROHIBITED ON THE FOLLOWING TOWN

SMALL CAPITALS : Indicate matter added to existing law

PROPERTIES:

- (1) BAYFRONT PARK
- (2) KELLAMS COMPLEX, INCLUDING THE FIELD, PLAYGROUND AND ALL PARKING AREAS
- (3) PUBLIC BOAT RAMPS
- (4) CHESAPEAKE BEACH WATER PARK
- (5) VETERANS PARK
- (6) CHESAPEAKE BEACH BOARDWALK
- (7) TOWN HALL
- (8) POCKET PARKS THROUGHOUT TOWN

C. EXCEPTION. SMOKING, VAPING AND POSSESSING LIGHTED OR IGNITED TOBACCO, NICOTINE OR MARIJUANA PRODUCTS ARE PERMITTED INSIDE A VEHICLE THAT IS PARKED IN A PARKING LOT, PROVIDED THAT THE DOORS AND WINDOWS OF THE VEHICLE ARE COMPLETELY CLOSED.

D. OTHER LAWS. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE SMOKING OR VAPING IN VIOLATION OF ANY FEDERAL OR STATE LAW OR REGULATION.

E. SIGNS. THE MAYOR IS AUTHORIZED TO POST SIGNS ON TOWN PROPERTY ON WHICH SMOKING AND VAPING IS PROHIBITED BY THIS SECTION, NOTIFYING THE PUBLIC OF SAID PROHIBITIONS AND OF THE PENALTIES FOR VIOLATIONS THEREOF AS SET FORTH IN SECTION 196 OF THIS CHAPTER.

F. FINES AND PENALTIES.

(1) A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION, PUNISHABLE BY A FINE OF \$50.00

(2) A PERSON WHO ENTERS UPON PROPERTY FROM WHICH HE OR SHE HAS BEEN BANNED PURSUANT TO SUBSECTION F(3) OR F(4) OF THIS SECTION SHALL BE GUILTY OF A

SMALL CAPITALS : Indicate matter added to existing law

SEPARATE MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF \$50.00

(3) A VIOLATION OF THIS SECTION IS DECLARED TO BE A PUBLIC NUISANCE AND, IN ADDITION TO ANY FINE OR OTHER PUNISHMENT IMPOSED PURSUANT TO SUBSECTION F(1) OR F(2) OF THIS SECTION:

(A) ANY PERSON WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO EJECTION FROM THE TOWN PROPERTY ON WHICH SUCH VIOLATION HAS OCCURRED.

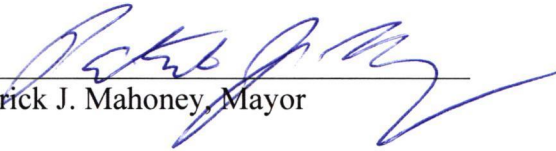
(B) A PERSON WHO HAS COMMITTED THREE OR MORE VIOLATIONS OF THIS SECTION MAY BE BANNED BY THE MAYOR FROM THE TOWN PROPERTY OR PROPERTIES ON WHICH SUCH VIOLATIONS HAVE OCCURRED FOR A PERIOD OF ONE YEAR IF DEEMED NECESSARY BY THE MAYOR IN ORDER ADEQUATELY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

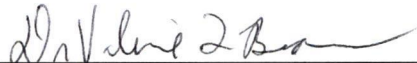
AS CERTIFIED by their signatures below, the members of the Town Council affirm that this Ordinance was introduced at the Town Council meeting held on the 19<sup>th</sup> day of December, 2019, that a public hearing was held on the 16<sup>th</sup> day of January, 2020, and that a vote was taken in accordance with Section C-309 of the Town Charter. The vote of the Council was tallied and 6 votes of approval and 0 votes of disapproval were cast. The resulting majority of the Council approved (approved or disapproved) the passage of this ordinance this 16<sup>th</sup> day of January, 2020. This Ordinance shall become effective 20 days after approval by the Mayor or approved by the Council over the Mayor's veto or seven days after the last required publication.

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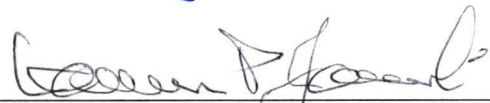
**CHESAPEAKE BEACH, MARYLAND**

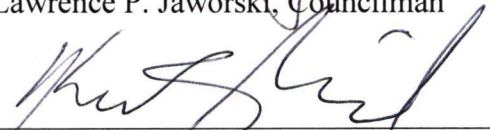
  
Patrick J. Mahoney, Mayor

  
Valerie L. Beaudin, Councilwoman

  
Derek J. Favret, Councilman

  
Gregory J. Morris, Councilman

  
Lawrence P. Jaworski, Councilman

  
Keith L. Pardieck, Councilman

  
L. Charles Fink, Councilman

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