NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on March 21, 2017, at 6:30 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 42, Parks and Recreation, Article III, Recreation Area and Park Regulations, Division 1, is hereby added by adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:

ARTICLE III: Recreation Area and Park Regulations

Division 1. Generally

Sec. 42-84. Tobacco-Free Park.

This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the Town of Old Orchard Beach's Veterans Memorial Park. The purpose of this ordinance is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

1) Definitions:

Electronic smoking device means a device used to deliver nicotine or any other substance intended for human consumptions 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 consumptions through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

Tobacco Product means any of the following: (1) A product containing, made, or derived from tobacco or nicotine that is intended for human consumptions, 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, pipe 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.

2) Tobacco use prohibited.

a) It shall be unlawful for any person to use tobacco products within the property boundaries of Veteran's Memorial Park and the Libby Memorial Library (MBLU 206-27-1).

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

3) Enforcement.

The Old Orchard Beach Police Department shall investigate and enforce the provisions contained in this ordinance.

4) Penalties.

Prior to issuing a citation for violation of this ordinance, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this ordinance, the Court shall impose a fine of $50.00 for the first offense, and $150 for the second and subsequent offenses, which may not be suspended. The municipality may be awarded attorney's fees and costs incurred in enforcing this ordinance.

Sec. 42-85. Grills and open flames.

Open flames of any type are prohibited in Veteran's Memorial Park without a Special Event Permit issued by the Town. The prohibition includes bonfires of any size, cooking grills of any type, including, but not limited to charcoal grills, propane grills, wood grills and gas grills.

Per Order of the Municipal Officers this 7th day of March, 2017.

A True Copy
Attest:

s/Kim M. McLaughlin
Kim M. McLaughlin, Town Clerk