

**Town of Brunswick, Maine
Tobacco Free Ordinance**

Public hearing – July 1, 2019
Adopted by the Council on July 1, 2019
Effective 07/31/2019

WHEREAS, Brunswick is a safe and healthy place to live and work; and

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, causing over 400,000 deaths in the United States each year; and

WHEREAS, the surgeon general of the United States has stated there are no safe levels of exposure to secondhand smoke; and

WHEREAS, tobacco-free policies support tobacco-free lifestyles and encourage tobacco users to quit; and

WHEREAS, the discarding of cigarettes and cigar butts onto the ground is unsightly, unclean, and potentially hazardous, particularly to young children and wildlife;

NOW THEREFORE, The Municipal Code of Ordinances of the Town of Brunswick, Maine, is amended to add the following article and section to Chapter 14.

Article VIII. - Smoking in Public Places.

Sec. 14-211. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

- a. *Electronic smoking device* means any electronic product not prescribed by a doctor that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately.
- b. *Secondhand smoke* means smoke emitted from a lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. Secondhand smoke also includes aerosol or vapor from the use of an electronic smoking device emitted, in any manner or in any form, when the smoker is not inhaling, at the mouthpiece during puff drawing, and when the smoker is exhaling.
- c. *Smoking* means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates

an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

- d. *Tobacco* is defined as all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor.
- e. *Vaping* means the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

Sec. 14-212. – Regulations.

- a. Locations where prohibited. Smoking and vaping, as defined in section 14-211 of this chapter, is prohibited in the following locations:
 - 1. Town-owned facilities and grounds, including school properties, but excluding public roads and sidewalks, except as otherwise prohibited below.
 - 2. At or within 20 feet, including sidewalks, of all parks and parks and recreation-owned or operated facilities, as listed in Section 14-124 of this chapter.
 - 3. On Maine Street, including the sidewalks and medians, extending from Bath Road to the Androscoggin River, between the hours of 7:00 a.m. to 7:00 p.m. Furthermore, during these hours, smoking and vaping will be prohibited within a vehicle parked within the right-of-way of Maine Street, but this prohibition shall not apply to smoking or vaping within moving vehicles.
 - 4. At or within 20 feet of school bus stops, as designated annually by the School Department, and when children are present. These locations will be posted on both the School Department and Town of Brunswick websites.
 - 5. At or within 20 feet of posted public bus and public transit stops, as approved by the Town Council.
 - 6. The prohibitions contained in this section do not apply to smoking or vaping on privately owned property that is not within a sidewalk or public way as specified in this section.
- b. Attempts to Circumvent Prohibitions. The use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of the use of tobacco as described in section 14-212.a, except for the use products specifically approved by the United States Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy, is prohibited.
- c. Littering. The discarding of cigarettes, cigar butts and other tobacco and vaping products onto the ground is littering, and is prohibited.

Sec. 14-213. – Communications.

Notice of the prohibition of smoking shall be as follows: Tobacco-Free Area signs or the international "No Smoking" and "No Vaping" symbol, consisting of a pictorial representation of a burning cigarette and electronic device enclosed in a circle with a bar across it. With the exception of school bus stops, signs shall be posted at locations where smoking is prohibited by this chapter. Furthermore, notice of school bus stop smoking prohibition shall be posted annually on both the School Department and Town of Brunswick websites.

Sec. 14-214. – Enforcement.

- a. No discrimination or retaliation. An individual, person, entity, or business establishment subject to the smoking or vaping prohibitions of this article shall not discriminate or retaliate in any manner against a person for making a complaint regarding a violation of this article or for furnishing information concerning a violation to an enforcement authority.
- b. Enforcement. The Brunswick Police Department, and any others designated by the town manager, shall have the power to enforce the provisions of this article.

Sec. 14-215. – Penalties.

- a. Violations and penalties. It shall be unlawful for any person to smoke, vape, or use tobacco in any area outlined in this article. Every person who violates this article shall be given a verbal warning for their first offense. Any additional offenses by the same person within ninety (90) days of their first offense will result in a civil violation and a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines. Each day on which a violation occurs shall be considered a separate and distinct violation.

APPENDIX B

MASTER SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

Chapter 14—Streets, Sidewalks and Other Public Places			
Sec. 14-215		Verbal warning Effective for 90 days	\$0.00
		Any additional offense within 90 days of verbal warning	Civil violation and maximum \$50.00 fine