

First Reading February 19, 2015

Second Reading March 16, 2015

ORDINANCE 2015- 4

AN ORDINANCE TO AMEND CHAPTER 30, ENTITLED ENVIRONMENT,  
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 30, ENTITLED ENVIRONMENT, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY, AMENDED BY REPEALING AND REENACTING, WITH AMENDMENT, ARTICLE VIII, AS FOLLOWS:

ARTICLE VIII. ENVIRONMENTAL TOBACCO OR NICOTINE SMOKE AND VAPOR

Sec. 30-601. Definitions.

"Atlantic Avenue" means the areas of land designated and distinguished on the numerous plats of the Ocean Blocks of Ocean City, Maryland, which designate Atlantic Avenue, which is comprised of the beach, including the ramps placed thereon, the wooden railings, the boardwalk, including the concrete tram lane, the ramps extending westward and eastward from the boardwalk, decks extending eastward and westward from the boardwalk, the seawall, and tables and benches placed thereon, but excluding the inlet parking lot.

"Bus shelter" means those structures located at certain bus stops that provide protection from nature's elements.

"Designating smoking area" means those areas approved from time to time by Resolution by the Mayor and City Council as areas where smoking is permitted, and which areas are clearly delineated by signage or clearly marked cigarette/cigar butt receptacles

"Electronic smoking devices" "ESD" a/k/a electronic nicotine delivery system "ENDS", electronic nicotine delivery device "ENDD", e-cigarette, or e-vapor means battery-powered disposable or rechargeable nicotine delivery systems using flavored liquids and various levels of nicotine that are atomized by a heating element and is absorbed into the lungs as an aerosol resembling a vapor.

"Environmental tobacco smoke" means the complex mixture formed from escaping smoke of a burning tobacco product or smoke exhaled by the smoker.

"Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco.

LAW OFFICES

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OCEAN CITY, MD 21842

“Vaping” means the process of inhaling the flavored aerosol and exhaling it.

“Vapors” means the exhaled product from an electronic smoking device.

Sec. 30-602. Legislative Intent.

It is the intent of the Mayor and City Council of Ocean City to protect the public from involuntary exposure to environmental tobacco smoke and vapor in certain areas open to the public.

Sec. 30-603. Violations.

(a) Smoking and vaping is unlawful in the following public parks:

- (a) Ocean Bowl Skate Park
- (b) Ocean City Tennis Center at 61<sup>st</sup> Street & Coastal Highway
- (c) Playgrounds at Bayside Park (aka Downtown Recreation Complex)
- (d) Tennis Courts at 3<sup>rd</sup> Street
- (e) Robin Park
- (f) Little Salisbury Park
- (g) Northside Park
- (h) Gorman Park
- (i) North Surf Park
- (j) Sunset Park

(b) Smoking and vaping is unlawful on Atlantic Avenue except within fifteen feet of a designated smoking area.

(c) Smoking and vaping is unlawful within a Bus Shelter or within fifteen feet thereof.

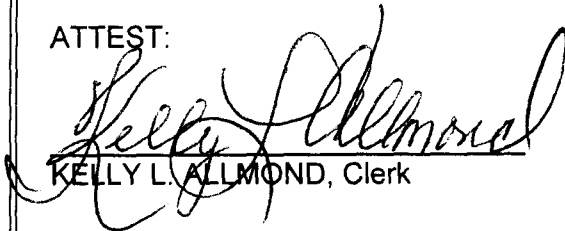
Sec. 30-604. Penalties.

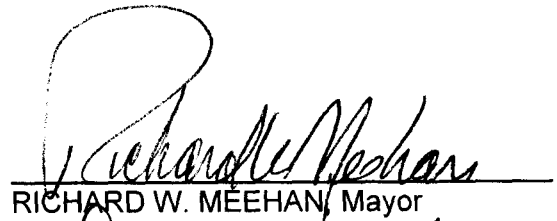
Any person who violates Sec. 30-603 hereof shall be subject to a municipal infraction of up to \$500.00, which can be issued by an employee of the Department of Recreation and Parks, in addition to those enforcers listed in Section 1-8 of this Code.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on February 17, 2015.

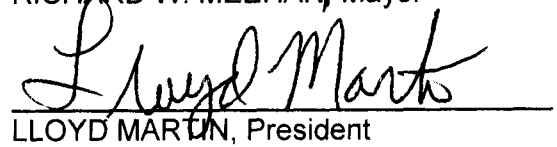
ADOPTED AND PASSED as amended by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on March 16, 2015.

ATTEST:

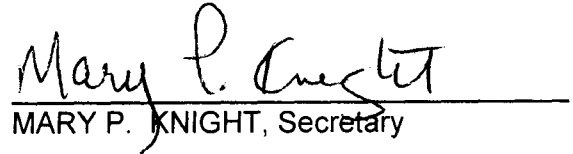
  
KELLY L. ALLMOND, Clerk

  
RICHARD W. MEEHAN, Mayor

Approved as to Form:

  
LLOYD MARTIN, President

  
GUY R. AYRES III, Solicitor

  
MARY P. KNIGHT, Secretary