

## MEMORANDUM

TO: Cape Elizabeth Town Council  
FROM: Ordinance Committee  
DATE: February 28, 2014  
SUBJECT: Fort William Park No smoking amendment

The Town Council referred to the Ordinance Committee a recommendation from the Fort Williams Advisory Commission (FWAC) that the Fort Williams Park Regulations, located in Chapter 12, Miscellaneous Offenses, be amended to prohibit smoking in Fort Williams.

The Ordinance Committee reviewed the recommendation and spoke with William Brownell, the FWAC Chair, at the February 7, 2014 meeting. The Ordinance Committee heard public comment from the Opportunity Alliance, which is one of 27 Healthy Maine Partnerships in the state. The committee also reviewed examples of regulations in the city of Portland, the State of Maine, and other parts of the country.

The Ordinance Committee decided that a definition of smoking be added to the proposed amendment and voted 3-0 to recommend the amendments to the Town Council for consideration.

### CHAPTER 12 MISCELLANEOUS OFFENSES (Revisions Eff. Through 08/08/13)

#### **Article IV. Fort Williams Park Regulations.**

[Adopted eff. 11/11/77 under R. S. 1964, T. 30, Sec. 2151 and Revised eff. 10/08/08 and 08/08/13]

**Sec. 12-4-8 Regulation of Park Activities.** The town council is hereby authorized to adopt rules and regulations to manage commercial activities in the Park, activities that include, but are not limited to, vending. (Added eff. 08/08/13)

**Sec. 12-4-9 Smoking Prohibited.** Smoking in the Park is prohibited.

Smoking means the lighting, inhaling, exhaling, burning or carrying of any cigar, cigarette, pipe, other tobacco product or e-cigarette, or carrying or having in one's possession any lighted object giving off smoke from tobacco or any other substance that emits smoke that is customarily used and intended for inhalation into the lungs.

Tobacco or tobacco product means any form of tobacco, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, and any material or device

used in the smoking, chewing or other form of tobacco consumption, including but not limited to cigarette papers or pipes.

**Sec. 12-4-9- 10 Penalty.** Any person found to have violated any provision in Article IV shall be punishable by a fine not to exceed Two Hundred Fifty (\$250.00) per day of infraction to be recovered for the use of the Town. The Town shall also recover any fee that would have been assessed if a proper and timely permit had been granted. (Amended eff. 08/08/13)