AN ACT concerning Smoking [and the Use of Tobacco Products and Electronic Smoking Devices] in County Parks and Recreational Areas.
For the purpose of regulating smoking [and the use of tobacco products and electronic smoking devices] in County parks and recreational areas, and providing for enforcement of these regulations by civil fines.

Section 1. Be it enacted by the County Council of ______ County, Maryland that Article __, “Smoking and [Use of Tobacco Products and Electronic Smoking Devices] in County Parks and Recreational Areas,” be added in Title ______ of the ______ County Code.

TITLE __.

ARTICLE __. Smoking [and Use of Tobacco Products and Electronic Smoking Devices] in County Parks and Recreational Areas

Section ______. Findings and Purpose.

(a) The County Council finds that:

(1) Smoking [and the use of tobacco products], as the leading cause of preventable death in the United States, poses a significant danger to the health and well-being of County residents, visitors, and employees;
(2) As declared by the United States Surgeon General, there is no safe level of exposure to secondhand smoke, with children being particularly susceptible to health complications such as acute respiratory infections, ear problems, asthma, slower lung growth, and sudden infant death syndrome (SIDS);
(3) [Despite their increase in popularity, particularly among youth, there is a significant lack of research on the safety of electronic smoking devices, which are designed to deliver nicotine (a documented addictive substance) to the user.]
(b) The purpose of this Article is to protect and preserve the health of all those who enjoy County parks and recreational areas, particularly children, from the established harmful effects of smoking, secondhand smoke [and tobacco products], [and the unknown effects of electronic smoking devices].

Section _______. Definitions.

(a) In this Article the following words have the meanings indicated.

(1) “Recreational Area” means any outdoor area that is owned, controlled, or used by the County and open to the general public [or privately owned and open to the general public] for recreational purposes, including [beaches, picnic areas, playgrounds, sports and golf areas, walking, hiking, and bike paths, gardens, swimming pools, ice-skating rinks, and amusement parks]

(2) “Smoking” means the burning of a lighted cigarette, cigar, pipe, or another matter or substance that contains tobacco.

(3) “[“Electronic Smoking Device” means any device that heats a liquid, gel, or other substance to produce a vapor that is intended to be inhaled by the user. Such devices include, but are not limited to, e-cigarettes, e-cigars, and e-pipes.]

(4) “[“Tobacco Product” means any substance containing tobacco, including but not limited to, cigars, cigarillos, smoking tobacco, snuff, or smokeless tobacco.]

Note: Depending on the needs of the County or Municipality, the definition of “Recreational Area” could be narrowed, with certain areas separately listed and defined (for example, “beaches” could be separately defined in order to provide further clarity as to the scope of the Ordinance).

Section _______. Smoking [and Use of Tobacco Products and Electronic Smoking Devices] Prohibited.

(a) It shall be unlawful for any person to smoke [or use any Tobacco Product or Electronic Smoking Device] in any County park or Recreational Area.

Section _______. Notice.

(a) Proper “No Smoking [or Tobacco Products or Electronic Smoking Devices]” signage shall be conspicuously posted in all County parks and Recreational Areas.

Section _______. Enforcement and penalties.

(a) This Article shall be enforced by the Department of [__________], in accordance with _______ of the Code [or any peace officer or code enforcement official]. The Department or its designee may issue a civil citation to any person who violates Sections _______. This citation shall be notification to the person that a violation has occurred and that a civil penalty will be applied in accordance with Subsection (b) of this Section. The person in violation shall have a right to stand trial pursuant to Sections _______ of the Code.

(b) A person who violates this section shall be subject to a civil fine of [$$100] for the first violation and [$$200] for each subsequent violation.

(c) For purposes of this Article, each incident of Smoking [or Use of Tobacco Products or Electronic Smoking Devices] will be treated as a separate and distinct incident.
**Note:** The following information may be helpful in determining an appropriate civil fine:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Law</th>
<th>Civil Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carroll County, MD</td>
<td>Smoking and Tobacco Products in County Parks (Carroll County Code §155-44)</td>
<td>Misdemeanor, punishable by a fine not to exceed $1,000 or imprisonment not to exceed 6 months in County Detention Center</td>
</tr>
<tr>
<td>Caroline County, MD</td>
<td>Tobacco Use in County Parks (Caroline County Res. No. 2009-035, §148.3.2. C)</td>
<td>1st violation: $100 max Subsequent violations: $200 max</td>
</tr>
<tr>
<td>City of Cumberland, MD</td>
<td>Tobacco Use in Parks and Recreational Facilities (Ordinance No. 3688)</td>
<td>May be removed from park and/or banned from future use of parks.</td>
</tr>
<tr>
<td>City of Frederick, MD</td>
<td>Smoking in City Parks (Playgrounds) (Code of City of Frederick § 6-9)</td>
<td>$25 for each infraction.</td>
</tr>
<tr>
<td>Howard County, MD</td>
<td>Smoking on County Park Property (County Executive Order 2011-06)</td>
<td>Asked to cease smoking or leave the premises immediately.</td>
</tr>
</tbody>
</table>

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