

Town of Dayton Smoke-Free Policy

WHEREAS, the Town of Dayton is dedicated to providing everyone with a safe and healthy smoke-free environment and the Town recognizes that smoking and the use of smoking-related products is detrimental to the health and safety of everyone.

WHEREAS, the Town of Dayton supports an environment where no one is exposed to the harmful effects of secondhand smoke and everyone is supported in efforts to live smoke-free.

WHEREFORE, the Town of Dayton hereby adopts the following ordinance for the purpose of creating smoke-free zones at all Town-owned property.

Definitions. For purposes of this ordinance, the following terms shall have the following meanings and definitions:

- A. **Smoking.** "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 smoked marijuana products.

- B. **Electronic smoking device.** "Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption 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.

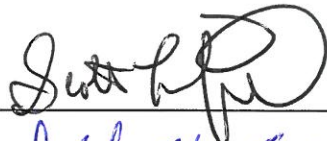
- C. **Public place.** "Public place" means any place owned, leased or otherwise operated by or under the control of the Town of Dayton open to the public and to which or into which the public is invited or allowed. Public place shall include, but not be limited to, any indoor or outdoor area accommodating or having facilities for rest, active or passive recreation or a playground designed at least in part for use by children with sporting or recreational equipment involved or which has been designed for play, sport or leisure activities on property owned, leased, occupied or operated by the Town of Dayton, or one of its departments, or any similar facility located on or in public school grounds. A public place shall include any Town-owned, leased or operated municipal motor vehicles but a private residence is not a public place.

Prohibition. Smoking is prohibited in all public places, including bus shelters and all rest rooms made available to the public.

Notice to the Public. The Town shall post signs conspicuously in Public Places where smoking is prohibited. Signs shall read "No Smoking" with letters at least one inch in height or contain the international symbol for no smoking. Provided such signs give the general public reasonable notice that smoking is prohibited in a particular smoke-free Public Place, it shall not be a defense that an offender did not see the sign or signs.

Enforcement. Any person who violates the prohibitions contained in this ordinance shall be subject to the following:

- A. Any municipal official, law enforcement officer or any adult person designated or authorized by a municipal official with the operation, supervision or control of a Public Place, shall request that the violator cease Smoking in the Public Place and issue a verbal warning;
- B. If such violator refuses to cease Smoking, such municipal official, law enforcement officer or designated person may direct such person to leave the Public Place; and
- C. If the violator refuses to leave the Public Place, such person shall be deemed guilty of a criminal trespass and may be arrested by an authorized law enforcement officer and prosecuted under Maine law.



Scott Littlefield, Chair



Jarod Harriman



Chris Belanger

Date: Sept 11, 2023