

ORDINANCE 702

AN ORDINANCE TO AMEND CHAPTER 80, CIVIL OFFENSES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005 AS AMENDED BY AMENDING CHAPTER 80, ARTICLE II OFFENSES AGAINST PUBLIC ORDER TO ADD SECTION 80-12. SMOKING, TO REGULATE TOBACCO PRODUCT USE AND SMOKING ON THE BEACH AND IN TOWN PARKS

WHEREAS, the Commissioners of the Town of Dewey Beach have deemed it desirable to consider whether to prohibit smoking and tobacco use on the beach and in Town parks;

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors;

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2004, American poison control centers received nearly 8,000 reports of children poisoned by the ingestion of cigarettes, cigarette butts, and other tobacco products;¹ and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;² and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- It is estimated that over two billion cigarette butts are discarded every day worldwide, and that Americans alone discard more than 175 million pounds of cigarette butts every year;³ and

¹ American Association of Poison Control Centers. *2004 Annual Report of the American Association of Poison Control Centers Toxic Exposure Surveillance System*. Elsevier Inc., 2004, p. 645. Available at: www.poison.org/prevent/documents/TESS%20Annual%20Report%202004.pdf.

² US Department of Health and Human Services, Centers for Disease Control and Prevention. "Ingestion of Cigarettes and Cigarette Butts by Children – Rhode Island, January 1994-July 1996." *Morbidity and Mortality Weekly Report*, 46(06): 125-128, 1997. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm.

³ Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, www.surfridersd.org/hotyb.php.

WHEREAS, cigarette smoking and cigarette butts being discarded on the beach or flicked in the ocean, negatively impacts the health, welfare and safety of Town's main attraction;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of 3the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows;

SECTION 1. Add Section 80-12 Smoking, Dewey Beach Code of Ordinances, to prohibit smoking on the beach and in Town parks as follows:

§ 80-12 Smoking

A. Definition

For the purpose of this section, any word not addressed herein shall possess the common usage definitions contained in a dictionary. For the purposes of this section, the following words and phrases shall include the meanings respectively ascribed to them as follows:

Smoking

The burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco.

B. Smoking is prohibited at all times in the following areas:

- (1) Town parks.
- (2) Beaches, Dunes, and Beach Access Walkways

C. Signage. The Town shall place signs visible to the public in appropriate areas at or near the entrance(s) to those areas where smoking is prohibited.

D. Enforcement. Smoking on the beaches or in Town parks is a civil violation. Fines will be doubled for anyone who deposits or throws butts onto the dunes.

SECTION 2. Severability. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. Adoption. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on May 11, 2013.

BY: Diane Hanson
Mayor Diane Hanson

ATT: Marc Appelbaum
Town Manager Marc Appelbaum

Synopsis

The purpose of this ordinance is to ban smoking outdoors on the beaches and in Town parks so that beach and park users will not be exposed to environmental smoke, and to address the environmental pollution caused by cigarette butts.

Sources:

- American Association of Poison Control Centers. *2004 Annual Report of the American Association of Poison Control Centers Toxic Exposure Surveillance System*. Elsevier Inc., 2004, p. 645. Available at: www.poison.org/prevent/documents/TESS%20Annual%20Report%202004.pdf.
- US Department of Health and Human Services, Centers for Disease Control and Prevention. "Ingestion of Cigarettes and Cigarette Butts by Children – Rhode Island, January 1994-July 1996." *Morbidity and Mortality Weekly Report*, 46(06): 125-128, 1997. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm.
- Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, www.surfridersd.org/hotyb.php.