

Town of Milton

115 Federal Street
Milton, DE 19968



www.ci.milton.de.us

Phone: 302-684-4110

Fax: 302-684-8999

ORDINANCE 2011-001

AN ORDINANCE TO ENACT A NEW CHAPTER 221 "OUTDOOR SMOKING IN PUBLIC PLACES" TO THE TOWN OF MILTON CODE

WHEREAS, the Town Charter of the Town of Milton authorizes the Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants and affairs; and

WHEREAS, the Town Charter of the Town of Milton further authorizes the Town Council to define, prevent, abate, or remove nuisances, obstructions or any other condition detrimental to the public safety, health, welfare; and

WHEREAS, the Town Council has determined that smoking in various outdoor public places in the Town of Milton is detrimental to the public welfare, health, cleanliness, ornament, and good order of its inhabitants and visitors, due to second-hand smoke's effects on health, second-hand smoke's odor, and the propensity for improper disposal of cigarette butts;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring in Council duly met, that the following Chapter be incorporated into the Town Code as follows:

Chapter 221

OUTDOOR SMOKING IN PUBLIC PLACES

§ 221-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SMOKING – The burning or combustion of any cigar, cigarette, pipe, any similar article, or any device that contains tobacco or other combustible substance.

§ 221-2. Smoking Prohibited at All Times of the Year.

Every person, firm, and corporation is prohibited from smoking at all times of the year within any of the following areas:

- A. Memorial Park.
- B. Mill Park.
- C. Rails to Trails.

§ 221-3. Conditions Required.

No person shall be prosecuted for violation of this chapter unless: 1) signs, readily visible to the public, are posted at the entrances to those areas where smoking is prohibited, indicating when smoking is prohibited and indicating that violations are subject to penalties; and 2) a cigar or cigarette butt receptacle is provided and marked at the entrances.

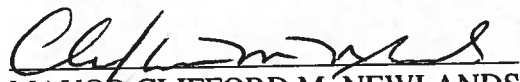
§ 221-4. Penalties.

Unless otherwise provided elsewhere in the Town Code, any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be subject to a fine not less than \$25 nor more than \$200 and/or imprisonment for a term not less than 10 days nor more than 30 days for the first such violation. For a second or any subsequent violation, the penalty shall be a fine not less than \$50 nor more than \$500 and/or imprisonment for a term not less than 20 days nor more than 60 days. Each day that a violation of any of the provisions of this chapter continues shall be deemed a separate and distinct violation.


Synopsis

This ordinance amends the Town Code to establish a new Chapter 221, entitled "Outdoor Smoking in Public Places," which prohibits smoking outdoors in certain public places in the town on a year-round basis, those being two parks and the area for Rails to Trails. Signage and a receptacle for butts must be present at the entrance for the prosecution to occur. The penalties for the first violation is a fine between \$25 and \$200 and/or imprisonment between 10 and 30 days. For any subsequent violation, the penalty is between \$50 and \$500 and/or imprisonment between 20 and 60 days.

I, **CLIFFORD M. NEWLANDS**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 7 day of MARCH, 2011, at which a quorum was present and voting throughout and that the same is still in full force and effect.


MAYOR CLIFFORD M. NEWLANDS

3/7/11
DATE


ATTEST