



Town of Dewey Beach

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ORDINANCE NO 829

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AN ORDINANCE TO AMEND CHAPTER 1-16, DEFINITIONS, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO DEFINE "ELECTRONIC SMOKING DEVICE," AND REVISE THE DEFINITION OF "SMOKING".

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WHEREAS, the Town currently prohibits smoking at all times in all Town parks, beaches, dunes, and beach access walkways; and

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WHEREAS, the use of electronic smoking devices has gained popularity in recent years; and

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WHEREAS, the secondhand aerosol emitted by electronic smoking devices has been found to contain high concentrations of nicotine, and/or toxins known to cause cancer; and

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WHEREAS, in the interest of public safety and welfare, the Commissioners find it appropriate to broaden the prohibition of smoking in certain areas to include the use of electronic smoking devices.

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

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Section 1. Amend Section 1-16 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

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ELECTRONIC SMOKING DEVICE

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Any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine, marijuana, or other substances into the body through inhalation, including, but not limited to, an electronic cigarette, vape pen, vaporizer, electronic cigar, electronic pipe, electronic hookah or other similar product that relies on vaporization or aerosolization. As used in this chapter, the definition of "electronic smoking device" does not include any product that has been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes.

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SMOKING

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

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A. The burning of a lighted cigarette, pipe, or any other matter or substance that contains tobacco product, marijuana, or hemp; or

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B. The operation of an electronic smoking device.

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Section 2. If any provisions 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. This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 19th day of January, 2024.

SYNOPSIS

This Act defines the term "electronic smoking device," and includes the use of these devices in the term "smoking," therefore prohibiting the use of electronic smoking devices in all Town parks, beaches, dunes, and beach access walkways



William Stevens, Mayor



Bill Zolper, Town Manager