

RESOLUTION

**To Prohibit Smoking Generally,
Authorize Exceptions Under Certain Circumstances, and
Regulate Other Specified Activities on Commission Property**

WHEREAS, The Maryland-National Capital Park and Planning Commission (the "Commission"), operates the award-winning system of park and recreational properties and facilities within the bi-county region established in Montgomery County and Prince George's County, Maryland, and designated by law as the Maryland-Washington Metropolitan District; and

WHEREAS, Section 17-207(a) of the Land Use Article of the Annotated Code of Maryland (the "Code") generally authorizes the Commission to adopt rules and regulations to protect the public health, safety and welfare, and preserve the peace on the properties within its jurisdiction; and

WHEREAS, Section 17-207(b) of the Code requires the Commission to adopt regulations that: (1) prohibit the smoking of a cigarette, cigar, or any other tobacco product on property under its jurisdiction, excluding certain designated venues or facilities; and (2) provide certain penalties for infractions of such regulations.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt the following regulations applicable to property under its jurisdiction:

(A) Authority

These Regulations are promulgated pursuant to the Maryland Code Annotated Land Use Article Section 17-207.

(B) Definitions

1. Park Property: Any land or water devoted to park or recreation uses and owned, operated, or established otherwise by the Commission, and all vegetation or natural substances, and including any Parkway, Facility, and other buildings, fixtures, monuments, structures, and their contents located on such land or water.

2. **Facility:** Any structural or other improvement to Park Property. Facilities include ball fields, pavilions and other improvements to property that are not necessarily enclosed.
3. **Smoke:** Any use of a lighted cigarette, cigar, pipe, or similar device that is designed to ignite a solid material (including tobacco, cloves, marijuana, and similar materials of any nature) and deliver the resultant smoke for ingestion as an inhalant. Smoking does not include Vaping.
4. **Vaping:** Using e-cigarettes, vaping, and other devices that utilize electronic technologies to vaporize a liquid or sublimate a solid material to produce a gaseous discharge or vapor for ingestion as an inhalant. Vaping does not include Smoking.

(C) Smoking Prohibited Except in Certain Areas

1. No person shall Smoke on Park Property or in any Commission vehicle, except as authorized for specified areas of designated Park Properties, Facilities or specified areas thereof as provided below at Subsection 2 hereof.
2. The Director of the Commission's Montgomery County Department of Parks and the Director of its Prince George's County Department of Parks and Recreation, as the applicable case may be in either county respectively, are hereby authorized to designate one or more areas where Smoking a cigarette, cigar or other tobacco product is not prohibited (a "Designated Smoking Area"), subject to the following:
 - a. A Designated Smoking Area must be located within a Park Property or Facility that normally generates admission fees, rental fees or similar charges for use.
 - b. Use of the Designated Smoking Area for Smoking may be limited further as to a specific time, manner or place associated with generating the admission fees, rental fees or similar charges for use.
 - c. The Director's designation of a Designated Smoking Area must be made by issuing a written notice. The written notice establishing a Designated Smoking Area must be published: (i) as an information item together with a regular agenda of the Commission's Planning

Board having oversight for the specific Park Property or Facility that includes the Designated Smoking Area, and (ii) on the appropriate Commission website(s).

- d. The Director must cause each Designated Smoking Area to be posted with signage appropriate to give conspicuous notice that the area has been designated as such.

(D) Vaping Prohibited In Certain Areas

No person shall use a Vaping device (1) inside Park Property or in any Commission vehicle; (2) at entrances to buildings, near ventilation and windows; or (3) outside on Park Property in any area where such use is prohibited by posting.

(E) Smokeless Tobacco Products Prohibited In Certain Areas

No person shall use chewing tobacco or any other smokeless tobacco product (1) inside Park Property or in any Commission vehicle; or (2) outside on Park Property in any area where such use is prohibited by posting.

(F) Penalties

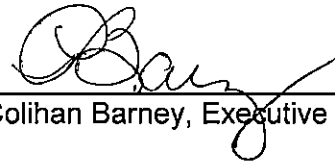
1. A violation of these Regulations for Smoking a cigarette, cigar, or other tobacco product on Park Property in any area that is not a Designated Smoking Area is subject to civil citation and (a) a warning for the first infraction, (b) a fine of \$25 for a second or subsequent infraction, or (c) such greater amount of a fine as may be authorized by Maryland law.
2. Any other violation of the Regulations set forth in this Resolution is subject to civil citation and a fine of \$25 or such greater amount of a fine as may be authorized by Maryland law.

(G) Effective Date

These Regulations will be effective at 12:01 AM on July 1, 2016, and remain in effect until such time as they may be modified or revoked as provided by law.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of Resolution No. 16-15, adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Wells-Harley, seconded by Commissioner Bailey, with Commissioners Hewlett, Anderson, Dreyfuss, Fani-Gonzalez, and Geraldo voting in favor of the motion, and Commissioner Presley, Shoaff, and Washington being absent from the meeting held on June 15, 2016, in the Parks and Recreation Auditorium in Riverdale, Maryland.



Patricia Colihan Barney, Executive Director