Chapter 215
Smoking and Tobacco Use

[HISTORY: Adopted by the City Council of the City of Sanford as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES
Drug-free safe zones — See Ch. 158, Art. III.

Article I
Safe Zones

[Adopted 5-3-2016 by Order No. 16-59.08]

§ 215-1 Prohibitions.
Pursuant to its authority, the City does hereby designate all safe zones prohibited to smoking and tobacco use.

§ 215-2 Definitions.
As used in this article, the following terms shall have the meanings indicated:

SMOKING
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 oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

TOBACCO
All tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spitless, chew, snuff, snus and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor, or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the United States Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

§ 215-3 Enforcement.
The provisions of this article may be enforced by any designated representative of the Health Office or of the Chief of Police.

§ 215-4 Violations and penalties.
Effective May 17, 2016, violation of this article shall be punished by a civil penalty not to exceed $50 for each occurrence.

§ 215-5 Designation of safe zones.
A. The following are City of Sanford safe zones.
Chapter 215 as amended by City Council Order #: 19-138-01 adopted on 5/7/2019. Additions are **underlined**, deletions are **struck out**.

(1) Gowen Park.

(2) Goodall Park.

(3) Springvale recreation area.

(4) Shaw soccer field.

(5) Gateway Park.

(6) Carpentier Park.

(7) Springvale Park.

(8) Veterans Park.

(9) Airport ball field.

(10) Benton Park.

(11) Sanford Skateboard park.

(12) Sanford trails.

(13) Number 1 Pond.

**Article II**

**Tobacco and Paraphernalia Retailing**

[Adopted 6-5-2018 by Order No. 18-116-01]

§ 215-6 **Findings.**

It is found that licensing CBD, tobacco and paraphernalia retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards to protect the health, safety and welfare of residents and especially children and therefore dependence, illnesses, and death associated with tobacco, marijuana, and other drug use. Additionally:

A. A requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute tobacco products to adults.

B. There is a substantial interest in discouraging the purchase of CBD, tobacco products and paraphernalia by persons under the age of 21.

§ 215-7 **Statutory authority.**

This article is adopted pursuant to 30-A M.R.S.A. § 3001 and the City's Home Rule Powers as provided for in Article VII-A of the Maine Constitution and 30-A M.R.S.A. §§ 2101 et seq. and 22 M.R.S.A. § 1556.

§ 215-8 **Definitions.**

In general, all words, phrases, and terms used in this article shall have their customary and usual meaning; as used in this article, the following words, phrases, and terms shall have the meaning indicated.

**CBD. Less than 0.3%, on a dry weight basis, delta-9-tetrahydrocannabinol (THC) Cannabis-derived products or substances, including cannabidiol which are sold over-the-counter, without a prescription, in the form of dietary supplements or added to food products.**
Chapter 215 as amended by City Council Order #: 19-138-01 adopted on 5/7/2019. Additions are **Underlined**, deletions are **struck out**.

**PARAPHERNALIA**

An object or device, including any metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes, carburetion tubes and devices; smoking and carburetion masks; roach clips (meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand); miniature cocaine spoons and cocaine vials; chamber pipes; carburetor pipes; electronic pipes; air-driven pipes; chillums; bongs; or ice pipes or chillers, that is not displayed as opposed **apposed** to nor included within a tobacco product display.

**SPECIALTY STORE.** A retail business in which more than 20% of floor or display area is devoted to paraphernalia and liquids used in electronic smoking devices or 67% if the business’s gross revenue from the last year was derived from the sale of paraphernalia and liquids used in electronic smoking devices.

**TOBACCO PRODUCT**

Any product that is made from or derived from tobacco and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. "Tobacco product" includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes or liquids used in electronic smoking devices. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

**TOBACCO RETAILER**

A retail business within the City of Sanford that sells **CBD**, tobacco products or paraphernalia for personal consumption or use.

§ 215-9 **Applicability.**

The provisions of this article apply to **CBD**, tobacco and paraphernalia retailers within the City of Sanford.

§ 215-10 **License required.**

A. No person, firm, or corporation may offer for sale, sell, furnish, display, or advertise for **CBD**, tobacco products or paraphernalia unless a tobacco retailer has first obtained a license for such purpose from the City Clerk.

B. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a tobacco retailer license.

§ 215-11 **Procedures and fees.**

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued to a tobacco retailer after the annual fee required has been paid through the City Clerk's office. The fee for a tobacco retailer license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for tobacco retailers.

§ 215-12 **Mobile vending prohibited.**

No tobacco retailer license may be issued to any seller of **CBD**, tobacco products or paraphernalia that is not in a fixed, permanent location; mobile vending of tobacco products or paraphernalia is prohibited.

§ 215-13 **Sale to or access by minors; age verification.**

A. Pursuant to 22 M.R.S.A. § 1555-B, Subsection 2, pertaining to tobacco products, no licensee, or
employee or agent of such licensee, shall sell, furnish, give away, or allow access to tobacco products or paraphernalia or CBD to persons who have not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018.

B. Tobacco products or paraphernalia or CBD may not be sold to any person who has not attained 30 years of age unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth.

§ 215-14 Tobacco product displays standards.
A. Self-service tobacco product displays are prohibited.

B. For customer areas or retail stores where persons under the age of 21, except for store employees:
   (1) May be present, tobacco products must be in locked cabinets distinct and separated from other products or behind the sale counter accessible only with store employee assistance.
   (2) May not be present, tobacco products may be in cabinets or on shelves or behind the sale counter accessible only with store employee assistance.

§ 215-15 Paraphernalia displays standards.
For customer areas or retail stores where persons under the age of 21, except for store employees:

A. May be present, paraphernalia must be in locked cabinets distinct and separated from other products accessible only with store employee assistance.

B. May not be present, paraphernalia may be in cabinets or on shelves or behind the sale counter accessible only with store employee assistance.

§ 215-16 CBD displays standards.
For customer areas or retail stores where persons under the age of 21, except for store employees:

A. May be present, CBD must be in locked cabinets distinct and separated from other products accessible only with store employee assistance.

B. May not be present, CBD may be in cabinets or on shelves or behind the sale counter accessible only with store employee assistance.

§ 215-17 Certain locations prohibited.
Within 500 feet of the property boundary of any public or private elementary, middle or secondary school:

A. Specialty stores are prohibited.

B. Paraphernalia displays are prohibited.

§ 215-18 Severability.
If any clause, sentence, paragraph, section, article, or part of this article or of any ordinance included in this Code or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.