

**CHAPTER 206**  
**NO TOBACCO, ALCOHOL, OR MEDICAL MARIJUANA USE ORDINANCE**  
**TOWN OF GRAY MAINE**

*Adopted November 1, 2011*

*Effective December 1, 2011*

*Amendments Effective October 17, 2019*

This Ordinance shall be known and cited as the Town of Gray “No Tobacco, Alcohol, or Medical Marijuana Use” Ordinance.

**PURPOSE**

The purpose of this ordinance is to protect, preserve and promote the health, safety welfare and quality of life of the children, inhabitants, guests and employees that use any or all Town of Gray property, whether building(s), and/or land.

**DEFINITIONS**

Municipality: Town of Gray, Maine.

Municipal Officers: Gray Town Council.

Building: Any structure, shelter or dwelling, installed permanently or temporarily upon land owned or controlled by the municipality.

Property: Any real estate, whether land or building, owned or controlled by the Municipality.

Rule: No person(s) shall use or partake of any form of tobacco, alcohol or marijuana on/in Town of Gray property, 365 days a year, 24 hours a day. There will be no designated areas to use or partake of any form of the same on/in Town of Gray property. No litter containing and/or associated with tobacco, alcohol or marijuana may be discarded on/in Town of Gray property.

“Smoking” means 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.

"Tobacco" is defined as all tobacco-derived or tobacco containing products and any product intended to mimic tobacco including but not limited to any electronic delivery system(s). This does not include products specifically approved by the U.S. Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

**NOTICE & ENFORCEMENT**

- A. The municipal officers authorize the Recreation and Conservation Committee to appropriately and visibly post signs indicating to the general public that all areas so posted are “Tobacco, Alcohol & Marijuana Free”.
- B. The Recreation and Conservation Committee shall direct the Parks and Recreation Department to notify community organizations as reasonable and/or necessary when such areas are posted.
- C. Any and all organizations/individuals that contract for the use of Town of Gray property shall be subject to the terms and conditions of this Ordinance. All agencies with law enforcement authority, including without limitation the Town’s Code Enforcement Officer, shall enforce this Ordinance.
- D. The Recreation and Conservation Committee shall authorize all Town of Gray employees and their appointed designees to monitor compliance and enforcement of this Ordinance.
- E. For any person, firm or organization that violates this Ordinance, Town of Gray staff and their appointed designees shall request that the person(s), firms or organizations cease such unlawful activity by a verbal

warning. If the person(s), firm or organization refuses to cease such unlawful activity, designees authorized by the same authority may request that the person, firm or organization leave the designated area. Refusal to obey such a lawful directive shall constitute a trespass for which any law enforcement agency with jurisdiction in Gray may enforce the same in accordance with Maine law.

## **SEVERABILITY**

If any provision of this Ordinance shall be finally held to be invalid by any court of competent jurisdiction, this invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. For this purpose, the “No Tobacco, Alcohol or Medical Marijuana Use” Ordinance is severable.