

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON MARCH 10, 2014,
ADOPTED ORDINANCE NO. 0314-01 WHICH READS AS FOLLOWS:

**AN ORDINANCE TO AMEND CHAPTER 224 OF THE MUNICIPAL
CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001
REGULATING OUTDOOR SMOKING IN PUBLIC PLACES**

WHEREAS, the Commissioners of the City of Rehoboth Beach adopted Ordinance No. 0411-01 on April 15, 2011, which for well-established public health and sanitation reasons prohibits smoking in certain public parks; and

WHEREAS, the aforesaid ordinance is acknowledged to have achieved the goals stated therein;
and

WHEREAS, there has recently been considerable public interest in extending the prohibition of smoking to other public areas of the City; and

WHEREAS, The Commissioners find it in the public interest, for all of the reasons stated in Ordinance No. 0411-01, to include additional public areas where smoking is prohibited.

NOW THEREFORE BE IT ORDAINED, by the Commissioners of the City of Rehoboth Beach, in session met, in the manner following to wit:

Section 1. Chapter 224, Section 224-2, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsections A through F in their entirety and substituting in lieu thereof the following new Subsections A through I to read as follows:

- A. Grove Park including all of the area of the City situated generally between Rehoboth Avenue, Columbia Avenue, Grove Street and the Lewes-Rehoboth Canal excluding the parking lot.
- B. Lake Gerar including all of the public park lands surrounding the lake.
- C. Central Park situated generally between Columbia and Park Avenues and Third Street.
- D. The entirety of the park lands located in Country Club Estates along Stockley Street.
- E. Deer Park located at the intersection of Kent and Dover Streets.
- F. The entirety of the bandstand plaza area, defined for purposes of this Chapter as that area that lies east of the line of pavement of Rehoboth Avenue at the western edge of the bandstand median to include the sidewalks, whether of wood, concrete or pavers, the streets including parking spaces and any structures situated in this area and maintained by the City.
- G. The Boardwalk as defined in Chapter 98.
- H. For every street which has for its eastern termination the Boardwalk, that area that lies east of the eastern most line of pavement to include all sidewalks, whether of wood or concrete, and any structures situated in this area and maintained by the City.

I. The Beach, defined for purposes of this Chapter as the area of the City east of Ocean Drive, Surf Avenue and the Boardwalk extending 100 yards east of the high water line of the Atlantic Ocean, excluding the parking lot in the area known as Deauville Beach; except smoking shall be permitted on the Beach in designated and marked locations as determined by the City Manager, subject to the following:

- (1) Each area where smoking is permitted shall be abutting and located on the east side of the easternmost dune fence or if there be no fence at the toe of the main dune.
- (2) Each area where smoking is permitted shall be in the shape of a half-circle having a twelve-foot radius, the center of such half-circle being at a point in the above-referenced dune fence or toe of dune.
- (3) Each area where smoking is permitted shall be marked by appropriate signage and shall be provided with a cigarette/cigar butt disposal container.
- (4) No area where smoking is permitted shall be located any nearer than 40 feet from any entranceway or path to the beach or Atlantic Ocean.
- (5) From May 1 to September 30 of each year, there shall be no more than 20 areas where smoking is permitted.
- (6) From October 1 of each year to April 30 of the following year, there shall be no more than 4 areas where smoking is permitted.

Section 2. Chapter 224, Section 224-3, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the sentence “No person shall be cited for violating this chapter unless signs, readily visible to the public, are posted where smoking is prohibited, indicating when smoking is prohibited and indicating that violations are subject to penalties” as it appears therein and substituting in lieu thereof the sentence “No person shall be cited for violating this chapter unless signs, readily visible to the public are posted to indicate those areas where smoking is prohibited.”

Section 3. This Ordinance shall become effective on May 15, 2014.

Section 4. If any provision 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 declared to be severable.