

CITY OF SOMERVILLE
ORDINANCE NO. 2003-06
IN THE BOARD OF ALDERMEN: May 22, 2003

Be it ordained by the Board of Aldermen, in session assembled, that Section 9-3 of the Code of Ordinances of the City of Somerville, is hereby amended by inserting the following:

WHEREAS, nicotine has been classified as an addictive substance by the United States Food and Drug Administration; and

WHEREAS, the U.S. Environmental Protection Agency has determined that secondhand tobacco smoke is a Class A carcinogen;

WHEREAS, there exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, cardiovascular diseases, negative birth outcomes, allergic reactions, and irritations to the eyes, nose, and throat to both the smoker and otherwise healthy nonsmoker exposed to secondhand smoke; and

WHEREAS, the citizens of the City of Somerville are exposed to second-hand smoke when it is used in public places;

WHEREAS, smoking and discarding of tobacco products is a potential cause of fires; and cigarette and cigar burns, ash stains, and litter from discarded tobacco products cause losses to the City;

WHEREAS, the Board of Aldermen desires to protect its citizens from the harmful effects of second-hand smoke by minimizing the exposure to nonsmokers;

WHEREAS, the Board of Aldermen finds and declares that the purposes of this Chapter are to protect public health, safety and general welfare:

- 1) Definitions:
 - a) **Smoking:** Inhaling, exhaling, burning or carrying any lighted tobacco product in any manner or in any form.
 - b) **Tobacco Product:** any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, smoking tobacco, and smokeless tobacco.
 - c) **Public park:** Any outdoor fields, or reservations to which the public is invited and permitted. This includes, but is not limited to any public park adjacent to any public school or city operated building in the city of Somerville.
 - d) **Monument:** a memorial stone or a building erected in remembrance of a person or event, which term shall include, but not be limited to, such monuments in publicly owned cemeteries.
 - e) **Playground:** land used for and equipped with facilities for recreation.

- f) **Scheduled:** City sponsored or reserved through permitting or licensing with the City of Somerville.

2) Conduct Prohibited:

- a) Smoking tobacco products by any person shall be unlawful within fifty feet of any person who participates, attends, assembles, or congregates at any scheduled athletic event, scheduled artistic event, scheduled special event, scheduled performance, scheduled festival, scheduled musical event, or scheduled concert in a public park under the control of the City of Somerville.
- b) Smoking tobacco products by any person shall be unlawful within fifty feet of any monument or memorial located on public property under the control of the City of Somerville.
- c) Smoking tobacco products by any person shall be unlawful in all playgrounds and tot-lots located on public property under the control of the City of Somerville.
- d) Enforcement and penalties: Noncriminal Disposition. The specific penalty for each violation of this section shall be as set forth in Section 1-11(b) of the Somerville Code of Ordinances. Any fines imposed under the provisions of this chapter shall inure to the City of Somerville. For the purposes of this chapter, the following shall be enforcing officers: Police Officers; the Health Department and Inspectional Services Department or their designees.

Be it further ordained that Section 1-11(b) is amended by adding the following:

	Fine	Enforcing Personnel
Smoking in Parks (Sec 9-3)	\$25.00	Police; Health Department, Superintendent of Inspectional Services

Approved by the Board of Aldermen:

President