

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0306

Introduced by: Councilmembers Cole, Mosby, Scott, Kraft, Holton, Curran, Henry, Reisinger,
Welch, Branch, Middleton, Stokes, Spector, Clarke, President Young

Introduced and read first time: January 13, 2014

Assigned to: Health Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 10, 2014

AN ORDINANCE CONCERNING

**Tobacco Products – Smoking Near Playgrounds, Schoolyards, and
Athletic Facilities, and Public Swimming Pools**

FOR the purpose of prohibiting the smoking of tobacco products near playgrounds, schoolyards,
~~and~~ athletic facilities, and public swimming pools; defining certain terms; creating certain
exceptions; setting certain penalties; and generally relating to smoking tobacco products near
playgrounds, schoolyards, ~~and~~ athletic facilities, and public swimming pools.

BY adding

Article - Health

Section(s) 12-801 to 12-808 to be under the new subtitle designation,

“Subtitle 8. Smoking Near Playgrounds”

Baltimore City Revised Code

(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7)(Title 12)(Subtitle 8) and 41-14(6)(Title 12)(Subtitle 8)

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Health

Title 12. Tobacco Products

SUBTITLE 8. SMOKING NEAR PLAYGROUNDS

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

~~Strike out~~ indicates matter stricken from the bill by

amendment or deleted from existing law by amendment.

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1 **§ 12-801. DEFINITIONS.**

2 (A) *IN GENERAL.*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *ATHLETIC FACILITY.*

5 (1) *IN GENERAL.*

6 “ATHLETIC FACILITY” MEANS ANY OUTDOOR FACILITY CLEARLY INTENDED FOR
7 PLAYING SPORTS.

8 (2) *INCLUSIONS.*

9 “ATHLETIC FACILITY” INCLUDES, BUT IS NOT LIMITED TO, ANY:

10 (I) BASEBALL DIAMOND,

11 (II) SOCCER, LACROSSE, OR FOOTBALL FIELD,

12 (III) BASKETBALL COURT,

13 (IV) RACING TRACK,

14 (V) SKATING RINK, OR

15 (VI) FIELD HOCKEY PITCH.

16 (C) *PLAYGROUND.*

17 “PLAYGROUND” MEANS AN OUTDOOR AREA SET ASIDE FOR RECREATION AND PLAY,
18 INCLUDING, BUT NOT LIMITED TO, AN AREA CONTAINING EQUIPMENT SUCH AS SEESAWS,
19 SWINGS, SLIDES, MERRY-GO-ROUNDS, JUNGLE GYMS, MONKEY BARS, OVERHEAD LADDERS,
20 TRAPEZE RINGS, PLAYHOUSES, SANDBOXES, MAZES, OR SIMILAR PLAY STRUCTURES OF ANY
21 KIND.

22 (D) *PUBLIC SWIMMING POOL.*

23 “PUBLIC SWIMMING POOL” HAS THE MEANING STATED IN § 11-301(C) {“DEFINITIONS -
24 PUBLIC SWIMMING POOL”} OF THE HEALTH CODE OF BALTIMORE CITY.

25 (E) ~~(E)~~ *SCHOOLYARD.*

26 “SCHOOLYARD” MEANS OUTDOOR SCHOOL PROPERTY INTENDED TO BE USED FOR
27 RECREATION AND PLAY.

28 (F) ~~(F)~~ *SMOKE.*

29 “SMOKE” HAS THE MEANING STATED IN § 12-101 {“DEFINITIONS”} OF THIS TITLE.

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1 **§§ 12-802 {RESERVED}**

2 **§ 12-803. WHERE SMOKING PROHIBITED.**

3 EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, SMOKING IS PROHIBITED IN OR WITHIN 50
4 FEET OF ANY:

5 (1) PLAYGROUND,

6 (2) SCHOOLYARD, ~~OR~~

7 (3) ATHLETIC FACILITY, OR

8 (4) PUBLIC SWIMMING POOL.

9 **§ 12-804. EXCEPTIONS – GENERAL.**

10 THIS SUBTITLE DOES NOT APPLY TO THE FOLLOWING:

11 (1) A MOVING PRIVATE VEHICLE.

12 (2) SMOKING AS AN INTEGRAL PART OF A THEATRICAL PERFORMANCE HELD IN A FACILITY
13 PRIMARILY USED FOR THEATRICAL PERFORMANCES.

14 (3) SMOKING AS AN INTEGRAL PART OF A RELIGIOUS CEREMONY.

15 **§§ 12-805 TO 12-806. {RESERVED}**

16 **§ 12-807. ENFORCEMENT BY CITATION.**

17 (A) *IN GENERAL.*

18 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
19 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

20 (1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1,
21 SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

22 (2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
23 CITATIONS"}

24 (B) *PROCESS NOT EXCLUSIVE.*

25 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
26 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

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1 **§ 12-808. PENALTIES.**

2 ANY PERSON WHO SMOKES IN VIOLATION OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT
3 MORE THAN \$500 FOR EACH OFFENSE.

4 **Article 1. Mayor, City Council, and Municipal Agencies**

5 **Subtitle 40. Environmental Control Board**

6 **§ 40-14. Violations to which subtitle applies.**

7 (e) *Provisions and penalties enumerated.*

8 (7) *Health Code*

9

10 Title 12: Tobacco Products

11

12 SUBTITLE 8. SMOKING NEAR PLAYGROUNDS \$500

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14 **Subtitle 41. Civil Citations**

15 **§ 41-14. Offenses to which subtitle applies – Listing.**

16 (6) *Health Code*

17

18 Title 12: Tobacco Products

19

20 SUBTITLE 8. SMOKING NEAR PLAYGROUNDS \$500

21

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
23 are not law and may not be considered to have been enacted as a part of this or any prior
24 Ordinance.

25 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
26 after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City