

**CITY OF BALTIMORE  
COUNCIL BILL 14-0306  
(First Reader)**

---

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

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental  
Control Board, Police Department, Department of Recreation and Parks, Baltimore City Public  
School System

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Tobacco Products – Smoking Near Playgrounds, Schoolyards, and Athletic Facilities**

3 FOR the purpose of prohibiting the smoking of tobacco products near playgrounds, schoolyards,  
4 and athletic facilities; defining certain terms; creating certain exceptions; setting certain  
5 penalties; and generally relating to smoking tobacco products near playgrounds, schoolyards,  
6 and athletic facilities.

7 BY adding

8 Article - Health

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

10 “Subtitle 8. Smoking Near Playgrounds”

11 Baltimore City Revised Code

12 (Edition 2000)

13 BY adding

14 Article 1 - Mayor, City Council, and Municipal Agencies

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

16 Baltimore City Code

17 (Edition 2000)

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

20 **Baltimore City Revised Code**

21 **Article – Health**

22 **Title 12. Tobacco Products**

23 **SUBTITLE 8. SMOKING NEAR PLAYGROUNDS**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 14-0306**

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) *SCHOOLYARD.*

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

25        (E) *SMOKE.*

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

27    **§§ 12-802 {RESERVED}**

**Council Bill 14-0306**

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

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

- (1) PLAYGROUND,
- (2) SCHOOLYARD, OR
- (3) ATHLETIC FACILITY.

**§ 12-804. EXCEPTIONS – GENERAL.**

THIS SUBTITLE DOES NOT APPLY TO THE FOLLOWING:

- (1) A MOVING PRIVATE VEHICLE.
- (2) SMOKING AS AN INTEGRAL PART OF A THEATRICAL PERFORMANCE HELD IN A FACILITY PRIMARILY USED FOR THEATRICAL PERFORMANCES.
- (3) SMOKING AS AN INTEGRAL PART OF A RELIGIOUS CEREMONY.

**§§ 12-805 TO 12-806. {RESERVED}**

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

(A) *IN GENERAL.*

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

- (1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR
- (2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}

(B) *PROCESS NOT EXCLUSIVE.*

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

**§ 12-808. PENALTIES.**

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

**Council Bill 14-0306**

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

**Subtitle 40. Environmental Control Board**

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

*(e) Provisions and penalties enumerated.*

*(7) Health Code*

....

Title 12: Tobacco Products

....

SUBTITLE 8. SMOKING NEAR PLAYGROUNDS

\$500

....

**Subtitle 41. Civil Citations**

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

*(6) Health Code*

....

Title 12: Tobacco Products

....

SUBTITLE 8. SMOKING NEAR PLAYGROUNDS

\$500

....

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

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