



## Legislation Text

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**File #:** 14-0306, **Version:** 0

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: Councilmember Cole

A BILL ENTITLED

AN ORDINANCE concerning  
**Tobacco Products - Smoking Near Playgrounds, Schoolyards, and Athletic Facilities**

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

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

§ 12-801. DEFINITIONS.

(A) IN GENERAL.

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

(B) ATHLETIC FACILITY.

(1) IN GENERAL.

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

(2) INCLUSIONS.

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

(I) BASEBALL DIAMOND,

(II) SOCCER, LACROSSE, OR FOOTBALL FIELD,

(III) BASKETBALL COURT,

(IV) RACING TRACK,

(V) SKATING RINK, OR

(VI) FIELD HOCKEY PITCH.

(C) PLAYGROUND.

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

(D) SCHOOLYARD.

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

(E) SMOKE.

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

§§ 12-802 {RESERVED}

§ 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}

§ 12807. 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.

§ 12808. PENALTIES.

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

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) Health Code

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Title 12: Tobacco Products

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SUBTITLE 8. SMOKING NEAR PLAYGROUNDS \$500

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Subtitle 41. Civil Citations

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

(6) Health Code

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Title 12: Tobacco Products

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SUBTITLE 8. SMOKING NEAR PLAYGROUNDS \$500

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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 30th day after the date it is enacted.

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