

# CITY OF SOMERVILLE

## ORDINANCE NO. 2017-\_\_\_\_ IN THE BOARD OF ALDERMEN: \_\_\_\_\_

### AN ORDINANCE AMENDING ORDINANCES RELATIVE TO SMOKING TOBACCO AND MARIJUANA IN PUBLIC PARKS

**Be it ordained by the Board of Aldermen**, in session assembled, that the Code of Ordinances of the City of Somerville, Section 6-3 is hereby amended, to read as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by underlining):

#### **Sec. 6-3(a) – Smoking in Parks – Definitions**

*Tobacco product:* ~~Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, smoking tobacco, and smokeless tobacco.~~ Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. “Tobacco product” includes any component or part of a tobacco product. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

#### **Sec. 6-3(b) – Smoking in Parks – Conduct Prohibited**

(3) Smoking tobacco products by any person shall be unlawful in, and within 50 feet of, all school grounds, playgrounds, public parks, and tot-lots located on public property under the control of the city.

**Be it further ordained by the Board of Aldermen**, Section 1-11(b) of the Code of Ordinances is hereby amended is hereby amended, to read as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by underlining):

<u>Offense</u>	<u>Fine</u>	<u>Enforcing Personnel</u>
Smoking in Parks (Sec. 6-3)	<del>\$25.00</del> <u>\$100.00</u>	Police; health department; inspectional services

**Be it further ordained by the Board of Aldermen**, that the Code of Ordinances of the City of Somerville, 9-3(a) is hereby amended, to read as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by underlining):

**Sec. 9-3. - Marijuana in public places and businesses.**

- (a) No person shall give, sell, deliver or consume marijuana or tetrahydrocannabinol in a public park, playground, rest area, school grounds, recreational area, swimming pool, skating rink, or in the common areas of city housing authority projects, and further, no person shall consume marijuana within 50 feet of the aforementioned public places. For the purposes of this section, "common areas" shall include, but not be limited to, hallways, stairwells, front steps, basements, rooftops, sidewalks, parking areas, roadways, and park areas.

Approved:

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President  
Board of Aldermen