

AN ORDINANCE TO PROMOTE CLEAN AND HEALTHY PARKS

Whereas, there is no known safe level of exposure to secondhand smoke, and secondhand smoke exposure in certain outdoor areas has been found to pose a significant health risk; and

Whereas, cigarette butts are a leading source of litter in Boston's parks and pose a nuisance as well as choking hazard for children; and

Whereas, protecting Boston's parks as places for residents and visitors to be outside and active is critical to promoting a healthier city; and

Whereas, it is the goal of the City of Boston, through the Boston Parks Department and the Boston Police Department, to ensure that our places of recreation are safe, clean and healthy for all residents, particularly our children;

Therefore, City of Boston Code, Ordinances, Chapter VII, Section 7-4 is hereby amended by inserting the following language after subsection 7-4.13:

7-4.14 Smoking Prohibited in Parks.

- a. No person shall smoke in any public park, or other public place under the control of the Parks and Recreation Commission.
- b. For the purposes of this subsection, the term smoking shall include inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other lighted or vaporized substance in any manner or form, including marijuana used for medical or any other purpose.
- c. The Parks and Recreation Commission may promulgate such rules and regulations as reasonably necessary to implement this ordinance and ensure compliance.
- d. Any person found to be in violation of this section shall be fined two hundred fifty (\$250.00) dollars per offense. Enforcement of this section shall be by noncriminal disposition as provided by in M.G.L Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

**I HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.**


**WILLIAM F. SINNOTT
CORPORATION COUNSEL** MH



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

September 17, 2013

TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval the following amendments to City of Boston Code, Ordinances, Chapter 7-4 (Parks and Recreation Department). The proposed amendments would prohibit the smoking of tobacco, marijuana or any other material on properties controlled by the Parks and Recreation Department. The ordinance would be enforceable by the Boston Police Department and punishable by a fine of \$250.00 per violation. These amendments are necessary to maintain the health and safety of our public parks and ensure that these valuable resources can be enjoyed by all Boston residents.

I urge your Honorable Body to act favorably upon these amendments to the City of Boston Code without delay.

Sincerely,

Thomas M. Menino
Mayor of Boston

SEP 17 2013