



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Five

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as the "Code of City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 13 entitled: "Offenses," Article 11 entitled: "Offenses Against Public Health" is hereby amended by striking out the present Article 11 and inserting in place thereof a new Article 11 entitled: "Offenses Against Public Health", Section 13-4 entitled: "Smoking Prohibited" which reads as follows:-

(a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.

(b) As used herein, "Smoking" shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.

(c) No person, whether an owner, proprietor, manager, employee, patron, visitor, or customer, shall be permitted to smoke in any supermarket, grocery store, or other retail food store which is designed and arranged to display and sell food products for consumption off the premises by the general public; provided, however that nothing herein shall prevent smoking in specially designated and properly ventilated areas within aforementioned premises segregated from both the areas in which food is handled and the areas necessarily used by general shoppers.

(d) No person shall smoke in any elevator accessible to the public.

(e) No person shall smoke in any classroom, lecture hall, theater, motion picture theater, opera house, concert hall, or library, except in properly ventilated areas which may be designated by the management or other person in charge, which areas shall be specially labelled and shall not consist of more than 20 percent of the total seats in the place in question.

(f) No person shall smoke in any area of any hospital, sanitorium, nursing home, convalescent home, or home for the aged for chronically ill patients which is accessible either to patients or to visitors, provided that the management may provide for patients to elect in writing upon admission to the facility to be placed in a smoking room, in which case the room in which the patient so electing is placed shall be so labelled, and no patient not so electing shall be placed in that room, and further that the management may provide waiting areas for visitors separate from areas used by patients in which the visitors may smoke, but such areas shall be conspicuously labelled as such and shall not constitute more than 50 percent of the total visitor waiting area in each section of the facility.

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(g) No person shall smoke in any waiting reoom used by patients in the office of any physician, dentist, psychologist, physiotherapist, podiatrist, chiropractor, optometrist, or optician, unless a separate waiting room is provided for patients who wish to avoid smoke and unless conspicuous notice of this fact is provided to all patients.

(h) Every person having control of premises upon which smoking is prohibited by this ordinance, or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law."

(i) It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this ordinance to knowingly permit a violation of this ordinance. A person shall be held to have knowingly permitted a violation of this ordinance if a visitor to his or her premises observes one or more people smoking (other than in properly designated smoking areas) on three successive visits. Any licenses issued by this city to such person shall besubject to suspension for up to fifteen (15) days for a single violation of this subsection, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.

(j) Any person who knowingly violates any provision of the ordinance, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (i) of this ordinance, shall be fined in an amount of not less than twenty-five (\$25.00) more more than one hundred (\$100.00) dollars.

(k) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinctly and independent provision and such holding shall not affect the validity of the remaining portions thereof.

In City Council September 15, 1975.

Passed to be ordained by a yea and nay vote: Yeas 9; Nays 0; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

