

Order 55 – 05/06

Given first reading on 9/7/05

Passage 9/19/05 6-0 (Carr, Leeman, Geraghty absent)

JILL C. DUSON (MAYOR)(A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 17 (OFFENSES, MISCELLANEOUS PROVISIONS)
ARTICLE V (REGULATION OF TOBACCO)
DIVISION 4.NONSMOKING ON CITY TRAILS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 17, Article V of the Portland City Code is hereby amended to read as follows:*

DIVISION 4.NONSMOKING ON DESIGNATED CITY TRAILS

Sec. 17-86. Purpose.

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life of the children and other people that use designated city trails.

Sec. 17-87. Definitions.

(a) *Designated city trail* means the traveled portion of all city-owned or controlled trails open to use by the public that have been designated as a nonsmoking trail by order of the City Council.

(b) *Smoking* means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.

(c) *Traveled portion* means that area of a trail covered by material such as concrete, pavement, stone dust, or cedar mulch, designed to bear traffic from individuals or vehicles powered by individuals.

Sec. 17-88. Smoking prohibited.

It shall be unlawful for any person to smoke on a designated city trail at any time.

Sec. 17-89. Enforcement.

The Parks and Recreation Department shall place signs at the beginning and end point of any city trail as well as in such other locations that, in its sole discretion, the Parks and Recreation Department deems necessary to notify the public of this ordinance.