

**Prohibition of Alcoholic Beverages and Tobacco Product Advertising
or Promotion in or on City Buildings, Facilities, Land, and in or on Public Transportation Vehicles**



Advertising Signs on Jay Gordon Ball Field, Newton Centre Park

Ordinance No. V-184, adopted by the Board of Aldermen, June 29, 1998 as an amendment to the Revised Ordinances of the City of Newton, ch. 20 §20-22, 1995. Adopted by Parks and Recreation Commission 5/18/98 and amended to coincide with City Ordinance on 2/28/00.

a) Declaration of legislative findings and intent:

Alcoholic Beverages:

WHEREAS, Massachusetts General Laws Chapter 138, §34, prohibits the sale of alcoholic beverages to a minor; and

WHEREAS, a 1995 survey of Newton students found that approximately 42 percent of sixth graders surveyed had experimented with alcohol; and

WHEREAS, in 1992, reports by then U.S. Surgeon General, Dr. Antonia Novello (Youth and Alcohol: Dangerous and Deadly Consequences) and then U.S. Inspector General, Richard Kusserow ("Youth and Alcohol: Drinking and Crime") found, inter alia, that about one-third of all juvenile males arrested said they had used alcohol in the previous 72 hours; a "striking association" exists between alcohol use and using firearms to commit suicide by 10-to-19 year-olds;

- 40%-50% of young males who drowned had consumed alcohol prior to drowning;
- 40%-50% of youths injured diving had consumed alcohol prior to diving; among high school seniors, twice as many frequent binge drinkers skipped school (55% versus 25%) and nearly five times as many seniors who had binged frequently damaged school property (36% versus 8%)

WHEREAS, Section 20-17 of the Revised Ordinances of the City of Newton prohibits the consumption of alcoholic beverages on public property;

Tobacco Products:

WHEREAS, Section 20-18 of the Revised Ordinances of the City of Newton prohibits distribution of cigarettes or other tobacco or smoking products free to any person in any public park, playground or any other public ground; and,

WHEREAS, Section 20-18A of the Revised Ordinances of the City of Newton prohibits the sale of tobacco products to a minor and restricts the use of free standing displays and tobacco product vending machines so as to prevent the sale of tobacco products to minors; and,

WHEREAS, Section 20-18A of the Revised Ordinances of the City of Newton requires proof of age in order to purchase tobacco products in order to restrict the access by minors to tobacco products; and,

WHEREAS, the Board of Aldermen of the City of Newton has found that at least one-half of all smokers begin smoking before the age of eighteen (18) and that an estimated three thousand (3,000) minors begin smoking every day in the United States; and

WHEREAS; the Board of Aldermen of the City of Newton has declared that it is the policy of the City of Newton to discourage minors from experimenting with tobacco;

WHEREAS: the Board of Aldermen seeks to deter youths from experimenting with alcohol and seeks to act in furtherance of the policy of the Board of Aldermen in discouraging minors from experimenting with tobacco products.

(b) Definitions:

Alcoholic beverage advertisement: any written word, picture, logo, symbol; motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of alcoholic beverage, a trademark of an alcoholic beverage or a trade name associated exclusively with an alcoholic beverage; or any sign which is used for the purpose or effect of promoting the use or sale of an alcoholic beverage through such means as, but not limited to, the identification of a brand of an alcoholic beverage, a trademark of an alcoholic beverage or a trade name associated exclusively with an alcoholic beverage.

Person: Any natural person, firm, partnership, association, corporation, limited liability corporation, company or organization of any kind, or other legal entity.

Public Place: Any building, facility or other structure owned or operated by the city including school buildings and grounds or any land or property owned or operated by the city.

Public transportation vehicle: Buses, taxis, and other means of transportation the operation of which is subject to licensing or other grant of permission by the city pursuant to these revised ordinances or the general laws, including bus shelters and indoor platforms by which such means of transportation may be accessed.

Sign: A permanent or temporary structure, device, letter, word, two (2) or three (3) dimensional model, insignia, banner, streamer, display, emblem, or representation which is designed to attract attention.

Tobacco product: A cigarette, cigar, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms.

Tobacco product advertisement: any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of tobacco product, a trademark of a tobacco product or a trade name associated exclusively with a tobacco product; or any sign which is used for the purpose or effect of promoting the use or sale of a tobacco product through such means as, but not limited to, the identification of a brand of a tobacco product, a trademark of a tobacco product or a trade name associated exclusively with a tobacco product.

(c) Alcohol and tobacco products, advertising and promotion prohibited:

No person shall place, caused to be placed, maintain or cause to be maintained a sign containing an alcoholic beverage advertisement or a sign containing a tobacco product advertisement in or on a public place or in or on a public transportation vehicle. This section is in addition to and not in substitution for the provisions of chapter 30 of these revised ordinances.

(d) Removal:

The city department or agency having control over a public place where a sign is posted in violation of section 20-22(c) is hereby authorized to remove such a sign, provided that the city department or agency shall, as soon as reasonably possible, provide notice of such removal to the owner of the sign, if the name and address of the owner is readily ascertainable from the sign or if the city department or agency has received notice as to the name and address of the owner of the sign.

A sign so removed shall be stored for up to thirty (30) days during which time the permit holder, licensee, or sign owner may reclaim the sign. If a sign removed pursuant section 20-22(c) is not reclaimed within thirty (30) days of removal, then the sign shall be declared to be unclaimed surplus property in the possession of the Commissioner, which shall be disposed of by the chief procurement office of the city pursuant to Section 2-186(b)(7) of these revised ordinances.

In the case of a public transportation vehicle, the owner or operator of such vehicle shall remove a sign found to be in violation of section 20-22(c) within 24 hours of a request by the city to remove such sign. Failure to remove a sign within such time frame shall be cause for the revocation of any license or permission granted by the city in connection with the operation of such public transportation vehicle.

(e) Nuisance, abatement:

A sign posted in violation of section 20-22(c) shall constitute a public nuisance and the city shall have the authority to abate such nuisance pursuant to the provisions of section (d) above.

Donor Acknowledgement Sign - Lyons Playground

