



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
February 6, 2007

Honorable Members of the
Law and Legislation Committee

Title: Prohibiting Smoking in City of Sacramento Parks

Location/Council District: Citywide

Recommendation: This report is for Committee information and direction to staff on whether to draft an ordinance prohibiting smoking in City parks.

Contact: Mark Prestwich, Special Projects Manager, 808-5380

Presenters: Mark Prestwich, Special Projects Manager

Department: City Manager's Office

Division: Government Affairs

Organization No: 0320

Description/Analysis

Issue: Shall the Law and Legislation Committee direct staff to draft an ordinance prohibiting smoking in City parks to reduce exposure to secondhand smoke at park facilities? At the request of Councilmember Sandy Sheedy and consistent with the protocols established by the Committee and City Council, staff has submitted this report with information and policy considerations regarding a possible prohibition on smoking in City parks in order to receive direction on the potential drafting of an ordinance and the policy issues to include in such a draft.

Policy Considerations: None

Environmental Considerations: Since the U.S. Surgeon General has concluded there is no risk-free level of exposure to secondhand smoke, adoption of an ordinance banning smoking in City parks would reduce exposure to secondhand smoke at these locations.

Committee/Commission Action: Staff provided a presentation to the Parks and Recreation Commission on January 4, 2007 to brief them on the forthcoming report to the City's Law and Legislation Commission regarding this issue. The Commission received and filed the report.

Rationale for Recommendation: Staff is seeking direction from the Law and Legislation Committee regarding whether to draft an ordinance prohibiting smoking at City parks.

Financial Considerations: If a smoking ban is implemented with direction to post signage in City parks, there may be significant one-time costs associated with initial posting of signs, in addition to minor ongoing costs associated with repair/replacement of signs. There are approximately 200 parks in the City.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: Patti Bisharat
for Mark Prestwich, Special Projects Manager

Approved by: Patti Bisharat
Patti Bisharat, Director of Government Affairs

Recommendation Approved:

for Patti Bisharat
GUSTAVO F. VINA
Assistant City Manager

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Background:

Secondhand smoke, also known as Environmental Tobacco Smoke (ETS), consists of exhaled smoke from smokers and side stream smoke from the burning end of a cigarette, cigar or pipe. Secondhand smoke has been designated as a known human carcinogen (cancer causing agent) by the U.S. Environmental Protection Agency, the National Toxicology Program, and the International Agency for Research on Cancer.¹ Secondhand smoke contains more than 250 chemicals known to be toxic or carcinogenic including formaldehyde, benzene, vinyl chloride, arsenic, ammonia, and hydrogen cyanide.² It is estimated that secondhand smoke causes approximately 3,000 lung cancer deaths among U.S. nonsmokers each year.³ On January 26, 2006, the California Air Resources Board determined ETS to be a Toxic Air Contaminant (TAC).⁴ The U.S. Surgeon General has concluded there is no risk-free level of exposure to secondhand smoke.⁵

State law prohibits smoking within 25 feet of any playground or tot-lot sandbox area.⁶ Violations are infractions and punishable by a fine of \$250. Cities and counties are authorized to adopt and enforce new regulations that are more restrictive than State law.

While most California cities have not enacted a comprehensive (curb to curb) smoking ban in their parks, staff has identified several public agencies that have adopted such an ordinance including:

- City of Calabasas
- City of Carson
- City of Del Mar
- City of El Cajon
- City of Imperial Beach
- City of Pasadena
- City of San Diego
- City of San Fernando
- City and County of San Francisco
- City of Santa Monica
- City of Solano Beach

¹ U.S. Department of Health and Human Services, "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, U.S. Department of Health and Human Services, June 27, 2006, *available at* <http://www.surgeongeneral.gov/library/secondhandsmoke/report/>

² IBID

³ IBID

⁴ News Release, "California Identifies Second-Hand Smoke as a "Toxic Air Contaminant!", January 26, 2006, California Environmental Protection Agency.

⁵ U.S. Department of Health and Human Services, "The Health C Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, U.S. Department of Health and Human Services, June 27, 2006, *available at* <http://www.surgeongeneral.gov/library/secondhandsmoke/report/>

⁶ Health and Safety Code §104495(b)

Additionally, the California Legislature is considering a ban on smoking or the use of any tobacco-related product on a state coastal beach or in a unit of the state park system. This proposal was introduced as Senate Bill 4 on December 4, 2006 by Senator Jenny Oropeza.

City staff was unable to find any quantifiable studies of the impacts of the above smoking bans in City parks but did conduct its own survey of the agencies identified above with comprehensive smoking bans in their parks. Ten of the eleven agencies responded to the survey (Attachment 2 to this report provides a summary of responses received).

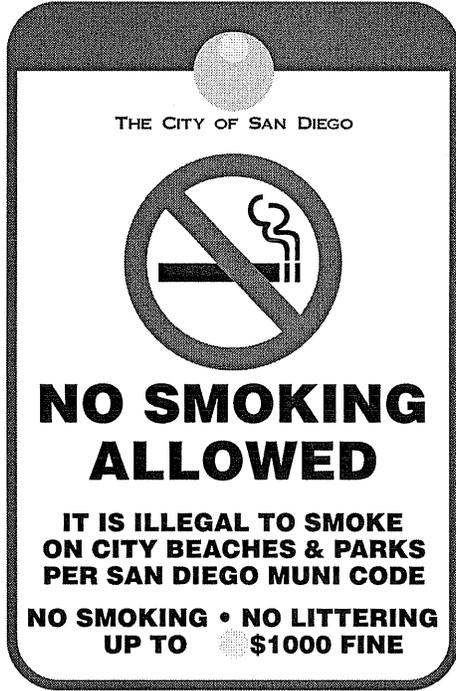
In short, the anecdotal evidence collected from these agencies suggests that such a prohibition reduces smoking and smoking-related litter in public parks. Respondents also report enforcement rarely requires action beyond a verbal warning although ordinances generally provide enforcement options including citations and financial penalties ranging from \$100 to \$250 per infraction. The survey responses received are consistent with statements made October 24, 2006 by participating panelists representing the cities of Solano Beach and Santa Monica in a telephone seminar coordinated by the League of California Cities on the subject.

All agencies responding to the survey indicated they post one or more "no-smoking" signs in their parks. Should the Law and Legislation Committee request staff to draft an ordinance prohibiting smoking in City parks, it is important to note that signs are not legally required. Signs would only be required if the City placed such a requirement in its ordinance. There may be significant one-time costs associated with initial posting of signs and minor ongoing costs associated with repair/replacement of signs. Samples of signs used by other agencies are provided in Attachment 3.

Attachment 2

The following table summarizes results from a City of Sacramento administered survey of agencies with known curb to curb smoking bans in their parks.

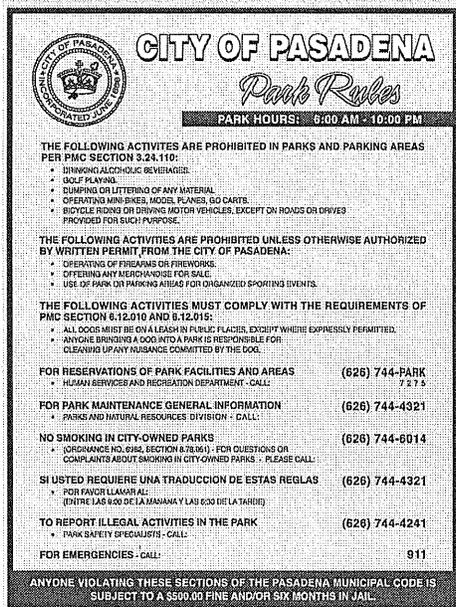
Agency	Year Implemented	Smoking Decrease?	Litter Decrease?	Enforcement Approach	Citations Issued Annually
Calabasas	2006	Yes	Yes	Verbal warning before citation	Zero
Carson	2002	Yes	Yes	Verbal warning before citation	50+
Del Mar	2006	Yes	No	Verbal warning before citation	Zero
El Cajon	2003	Yes	Yes	Do not enforce	Zero
Imperial Beach	2006	Yes	Yes	Verbal warning before citation	N/A
Pasadena	2004	Yes	Yes	Verbal warning before citation	Zero
San Diego	2006	Unknown	Unknown	Citation issued upon witnessing the infraction	Unknown
San Francisco	1998	Yes	Unknown	Verbal warning before citation	Very few, if any
Santa Monica	2003	Yes	Yes	Verbal warning before citation	N/A
Solano Beach	2003	Yes	Unknown	Verbal warning before citation	Zero



San Diego



Calabasas



Pasadena



Santa Monica