REPORT TO COUNCIL 13
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Staff Report
May 1, 2007

Honorable Mayor and
Members of the City Council

Title: Prohibition of Smoking in City Parks

Location/Council District: Citywide

Recommendation: Approve an **Ordinance** amending Section 12.72.010 of Chapter 12.72 of the Sacramento City Code relating to definitions, and adding Section 12.72.135 to Article III of Chapter 12.72 of the Sacramento City Code relating to the prohibition of smoking in parks

Contact: Mark Prestwich, Special Projects Manager, (916) 808-5380
Janet Baker, Operations Manager, (916) 808-8234

Presenters: None

Department: City Manager's Office

Division: Governmental Affairs

Organization No: 0320

Description/Analysis

Issue: Shall the City prohibit smoking in City parks to reduce exposure to secondhand smoke and to reduce smoking related litter in City parks?

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.

Commission/Committee Action: On February 6, 2007, the City's Law and Legislation Committee directed staff to draft a proposed ordinance prohibiting smoking in City parks and forward the proposed ordinance to the Mayor and City Council for consideration. Staff also briefed the Parks and Recreation Commission on January 4, 2007 regarding the issue of considering a prohibition on smoking in City parks.

Rationale for Recommendation: The proposed ordinance will reduce exposure to

Rationale for Recommendation: The proposed ordinance will reduce exposure to secondhand smoke and reduce smoking related litter in City parks.

Financial Considerations: The Park Operations budget will absorb the initial cost of signs and installation. The cost of installation is expected to range from a minimum of $8,000 to a maximum of $16,000. Staff estimates that promotional costs will be $8,000. Estimated maximum costs for the initial placement program total $24,000.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: _____
Mark Prestwich, Special Projects Manager

Approved by: _____
for Patti Bisharat, Director of Governmental Affairs

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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Attachment 1

Background

State law prohibits smoking within 25 feet of any playground or tot-lot sandbox area.[1] 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. The above regulations are intended to reduce exposure to secondhand smoke, also known as Environmental Tobacco Smoke (ETS), which 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.[2] Secondhand smoke contains more than 250 chemicals known to be toxic or carcinogenic including formaldehyde, benzene, vinyl chloride, arsenic, ammonia, and hydrogen cyanide.[3] It is estimated that secondhand smoke causes approximately 3,000 lung cancer deaths among U.S. nonsmokers each year [4] On January 26, 2006, the California Air Resources Board determined ETS to be a Toxic Air Contaminant (TAC).[5] The U.S. Surgeon General has concluded there is no risk-free level of exposure to secondhand smoke.[6]

While most California cities have not enacted regulations that are more restrictive than State law, several public agencies that have adopted comprehensive (curb to curb) bans on smoking in their parks 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

Law and Legislation Committee

At the request of Councilmember Sandy Sheedy, a staff report was presented to the Law and Legislation Committee on February 6, 2007 regarding comprehensive smoking bans in California cities. The report identified the dangers of secondhand smoke and discussed survey data received from 10 of the 11 agencies identified above that have prohibited smoking in their parks.

In short, the anecdotal evidence collected from these agencies suggests that such a

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1 Health and Safety Code §104495(b)
2 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/
3 IBID
4 IBID
5 News Release, "California Identifies Second-Hand Smoke as a 'Toxic Air Contaminant'", January 26, 2006, California Environmental Protection Agency.
6 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/

prohibition reduces smoking and smoking-related litter in public parks. Respondents also reported 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. All agencies responding to the survey indicated they post one or more "no-smoking" signs in their parks.

The Committee subsequently directed staff to draft an ordinance prohibiting smoking in City parks, including adjacent parking lots, and directed staff to forward the proposed ordinance to the Mayor and City Council for consideration. The Committee's direction included a request that staff develop an implementation plan consisting of posted signs with a universal no-smoking symbol.

The proposed ordinance will prohibit smoking in all parks owned by the city and parkways owned by the city. The term "park" also includes all parking lots, off street parking areas, bike paths, sidewalks, and alleys which are used or intended to be used in connection with city owned parks and parkways.

Achieving Compliance

While the proposed ordinance will authorize the City to issue a citation or assess an administrative penalty for violations of this ordinance, an important component of the City's implementation strategy noted below will be to achieve compliance without the use of these tools in most cases.

This approach is consistent with the strategies used by other public agencies that have implemented smoking bans in their public parks and involves a comprehensive approach including:

- Using a facilitative approach with park patrons to achieve compliance
- Providing information regarding the prohibition of smoking to permit recipients that reserve space at City parks
- Promoting awareness of the prohibition of smoking in City parks via a marketing strategy
- Posting signs in high pedestrian traffic/use locations; other public agencies report that the signs become self-regulating

The vast majority of agencies report they are able to achieve compliance with this strategy and rarely need to issue a citation in violation of the ordinance.

Implementation Strategy

If adopted, the Parks and Recreation Department will be responsible for implementation of this ordinance. The Department's implementation strategy will include several broad citywide efforts to increase awareness of the ordinance including park permit notifications, public service announcements, information on the City of Sacramento website, and direct interaction with park users. The Department is also recommending an initial signage placement program in one park per council district to facilitate a cost-effective implementation effort.

The initial placement program will consist of posting up to ten universal no-smoking signs and up to ten informational park safety signs in each of the following City of Sacramento parks:

Northgate Park	Council District 1
Hagginwood Park	Council District 2
McKinley Park	Council District 3
William Land Park	Council District 4
Curtis Park	Council District 5
Tahoe Park	Council District 6
Garcia Bend Park	Council District 7
North Laguna Park	Council District 8

The universal no-smoking signs will be approximately 10" X 14", and will display the universal no-smoking pictograph in red and black on a white background. Where possible, signs will be placed on existing poles in appropriate locations within the parks; otherwise, poles will be installed by Parks Operations staff to accommodate the new signage. The informational park safety signs will include "no smoking" in the list of park prohibitions and will be installed with the universal no-smoking signs. To lessen the possibility of "sign pollution", Parks Operations staff will work with City Council offices as needed to meet the needs of the program, yet maintain the integrity of the park setting.

In addition to new signage, the program will be introduced to the public in a variety of methods:

- Park permits will contain language informing the public that smoking is prohibited in City parks.
- Park permit mailings will include inserts informing the users that smoking is prohibited in City parks.
- Parks and Recreation staff will develop a public information campaign using a variety of media outlets, e.g., public service announcements and information on the City Parks and Recreation website.
- When appropriate, Park Safety Rangers will distribute information cards to park users.

Cost of implementation is two-fold: 1) Cost of signage and installation, and 2) The costs of marketing promotions and public education. The Park Operations budget will absorb the initial cost of signs and installation. Installation will be performed by Parks Operations staff. Estimated costs of installation will be determined based on the number of signs needed for each park and availability of the appropriate sign posts in each park.

The cost of installation is expected to range from a minimum of $8,000 to a maximum of $16,000. However, not all parks will require ten each of the no-smoking or informational park safety signs, nor will they all need additional posts installed. Staff has estimated that promotional costs will be $8,000. Estimated maximum costs for the initial placement program total $24,000.

The following table (Table 1) summarizes the expected costs of the initial placement program:

Table 1

	Number of Parks	Total Signs (up to ten of each per park)	Estimated Cost Per Sign	Estimated Total Cost
Universal No Smoking Signs & Informational Park Safety Signs (includes installation on existing posts)	8	20	$50	$8,000
	Number of Parks	Total Number of Posts	Estimated Cost Per Post	
Installation of New Posts to Accommodate Signage	8	10	$100	$8,000
			Signage Total	$16,000
			Promotional Costs	$ 8,000
			Total Costs of Initial Placement Program	**$24,000**

Success of the program will be based on anecdotal information, e.g., informal surveys of park users, public response to outreach efforts, decrease in number of persons observed smoking in the parks, and decrease in smoking-related litter in parks. Staff will report back to council six months after implementation to report on the success of the program.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTION 12.72.010 OF CHAPTER 12.72 OF THE SACRAMENTO CITY CODE RELATING TO DEFINITIONS, AND ADDING SECTION 12.72.135 TO ARTICLE III OF CHAPTER 12.72 OF THE SACRAMENTO CITY CODE RELATING TO THE PROHIBITION OF SMOKING IN PARKS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 12.72.010 of the Sacramento City Code is amended to read as follows:

A. The introductory sentence of Section 12.72.010 is amended to read as follows:

For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section, unless the context otherwise clearly requires.

B. Except as specifically amended by the amendments to the introductory sentence, all the provisions of Section 12.72.010 remains unchanged and in full force and effect.

SECTION 2.

Section 12.72.135 is added to Article III of Chapter 12.72 of the Sacramento City Code to read as follows:

12.72.135 Prohibition of Smoking in Parks.

A. It is unlawful for any person to smoke in any park.

B. It is unlawful for any person to dispose of any tobacco product, or any part of a tobacco product, in any place where smoking is prohibited, except in a designated waste disposal container.

C. For purposes of this section, the following words and phrases shall have the

meaning set forth in this subsection.

1. The word "parks" as defined in Section 12.72.010 of the Sacramento City Code does not apply to this section. Instead, "parks" means and includes all parks owned or controlled by the city and all parkways owned or controlled by the city. The term "parks" also includes all parking lots, off street parking areas, bike paths, sidewalks, and alleys which are used or intended to be used in connection with a park or parkway. "Parks" does not include golf courses.

2. "Smoking" means possessing (and "smoke" means to possess) any object containing a lighted Tobacco Product or any other lighted weed or plant, or the lighting of any object containing a Tobacco Product or any other weed or plant.

3. "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective:

Attachment 3

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