

# Consent Item No. 61

## “To Be Delivered” Material

For

**City of Sacramento**

City Council

**Agenda Packet**

**Submitted:** June 21, 2007

**For the Meeting of:** June 26, 2007

The attached materials were not available at the time the Agenda Packet was prepared.

**Subject:** Prohibition of Smoking in City Parks

Contact Information: Janet Baker, Operations Manager, (916) 808-8234

Please include this "To Be Delivered" material in your agenda packet. This material will also be published to the City's Intranet.

For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604-- (916) 808-7200.



# REPORT TO COUNCIL

## City of Sacramento

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

Consent  
June 26, 2007

Honorable Mayor and  
Members of the City Council

**Title:** Prohibition of Smoking in City Parks

**Location/Council District:** Citywide

**Recommendation:** 1) Adopt an **Ordinance** amending Section 12.72.010 of Chapter 12.72 of the Sacramento City Code relating to definitions, amending Section 12.72.020 of Chapter 12.72 of the Sacramento City Code relating to enforcement 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; and 2) direct staff to report back in six months on implementation of the ordinance

**Contact:** Janet Baker, Operations Manager, (916) 808-8234

**Presenters:** None

**Department:** Parks & Recreation Department

**Division:** Administration

**Organization No:** 4511

### **Description/Analysis**

**Issue:** To reduce park user's exposure to secondhand smoke and to reduce smoking related litter in parks, staff is recommending that Council approve an ordinance to prohibit smoking 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.

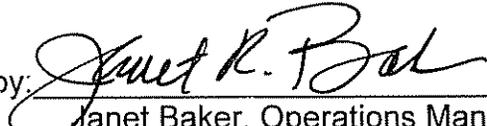
**Commission/Committee Action:** Staff briefed the Parks and Recreation Commission on January 4, 2007 regarding the issue of considering a prohibition on smoking in City parks. On February 6, 2007, the City's Law and Legislation Committee directed staff to draft a proposed ordinance prohibiting smoking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

consideration.

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

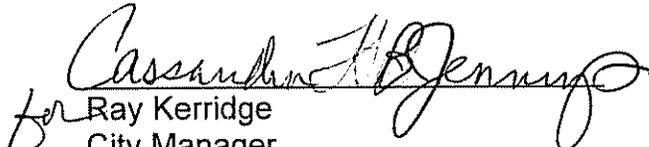
**Financial Considerations:** The Park Operations budget will absorb the initial cost of producing and installing signs prohibiting smoking in eight City Parks. The estimated costs for the initial sign placement program totals \$24,000 - \$8,000 for promotional costs and up to \$16,000 for sign installation.

**Emerging Small Business Development (ESBD):** None

Respectfully Submitted by:   
Janet Baker, Operations Manager

Approved by:   
Cassandra Jennings, Assistant City Manager

Recommendation Approved:

  
for Ray Kerridge  
City Manager

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## Background

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

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

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

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 Committee subsequently directed staff to draft an ordinance prohibiting smoking in City parks and directed staff to forward the proposed ordinance to the Mayor and City Council for consideration.

On May 1, 2007, the Mayor and City Council reviewed a proposed ordinance prohibiting smoking in City parks. After lengthy testimony and discussion, the Council adopted an

<sup>1</sup> Health and Safety Code §104495(b)

<sup>2</sup> 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/>

<sup>3</sup> IBID

<sup>4</sup> IBID

<sup>5</sup> News Release, "California Identifies Second-Hand Smoke as a 'Toxic Air Contaminant'". January 26, 2006, California Environmental Protection Agency

<sup>6</sup> 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/>

intent motion to 1) Amend the Ordinance clarifying a) violations will be civil or administrative not criminal, b) smoking will be prohibited in all neighborhood parks excluding exterior sidewalks; and 2) implement a pilot program for designated smoking areas in up to eight community or regional parks; and 3) conduct outreach with Councilmembers relative to the selection of parks for designated smoking areas as well as identification of areas in these parks for designated smoking areas. The proposed ordinance is consistent with the direction of the intent motion adopted by the Mayor and City Council on May 1, 2007.

In accordance with the direction to conduct outreach with Councilmembers, the following summarizes the conclusion of these conversations in terms of the parks that will be posted with "no smoking" signs and whether or not these parks will include designated smoking areas.

Northgate Park (no designated smoking area)	Council District 1
Hagginwood Park (no designated smoking area)	Council District 2
McKinley Park (no designated smoking area)	Council District 3
Southside Park	Council District 4
Curtis Park	Council District 5
Tahoe Park (no designated smoking area)	Council District 6
Garcia Bend Park (no designated smoking area)	Council District 7
North Laguna Park	Council District 8

Staff will continue to consult with Councilmembers regarding the appropriate placement of designated smoking areas within parks that have been identified.

Implementation Strategy

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.

In addition to new signage in eight designated parks, 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) & Designated smoking areas	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
			<b>Total Costs of Initial Placement Program</b>	<b>\$24,000</b>

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, AMENDING SECTION 12.72.020 OF CHAPTER 12.72 OF THE SACRAMENTO CITY CODE RELATING TO ENFORCEMENT, 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 12.72.020 of the Sacramento City Code is amended to read as follows:

**12.72.020 Compliance with title required—Violation, enforcement.**

A. It is unlawful for any person to enter, be or remain in any park or building unless he or she complies with all regulations set forth in this chapter applicable to such park or building.

B. Violation of Sections 12.72.060(I), 12.72.060(L), 12.72.080 or 12.72.090 of this chapter shall be a misdemeanor. Violation of any other provision of this chapter shall be an infraction, except for violation of Section 12.72.135.

C. Violation of Section 12.72.135 is not a criminal offense. Violation of Section 12.72.135 may be corrected by the bringing of a civil action by the city or the imposition of administrative penalties pursuant to Section 1.28.010 of the Sacramento City Code.

D. The provisions of this chapter and rules and regulations promulgated hereunder shall be enforced by the employees of the neighborhood services department, city park service officers and city police officers.

**SECTION 3.**

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. Smoking is prohibited in parks.

B. No person shall dispose of any tobacco product, or any part of a tobacco product in any park, except in a designated waste disposal container.

C. Notwithstanding subsection A of this section and unless otherwise provided by state or federal law, smoking is permitted in designated areas in community parks or regional parks authorized by the Director of Parks and Recreation. Designated smoking areas shall be prominently marked with signs.

D. 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, and alleys which are used or intended to be used in connection with a park or parkway. "Parks" does not include golf courses or the sidewalks along the perimeter of parks.

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:

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

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C. Violation of Section 12.72.135 is not a criminal offense. Violation of Section

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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: