



TOWN OF APPLE VALLEY PARKS AND RECREATION COMMISSION STAFF REPORT

To: Parks and Recreation Commission **Date:** December 5, 2013
From: Ralph Wright
Parks and Recreation Manager **Item No:** 3
Subject: Discussion of Smoking Policy in Parks

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

1. Discussion;
2. Recommendation to the Town Council regarding smoking policy in Town parks.

SUMMARY:

Staff will lead a discussion regarding the smoking policy within the Town's Park System.

BACKGROUND:

In June of 2008, an ordinance was adopted by the Town Council that amended the Apple Valley Municipal Code to allow smoking within Town parks in designated areas only. Staff developed an area plan within each park to set up the designated smoking areas. The selected designated smoking areas were strategically placed in accessible areas usually close to the entrance of our parks and when possible downwind from park amenities. The areas were chosen to hopefully aid in the compliance by our smoking patrons and to have the least impact on other park patrons.

In most parks, there is one smoking area and the placement of these areas has been successful in providing a smoking area that allows for compliance with the rules and minimizes the impact on our non-smoking park patrons. In our larger parks; Civic Center Park, Horsemen's Center, James Woody and Lenny Brewster, there are multiple designated areas. Attached is a schematic of James Woody Park and Lenny Brewster Park with the current locations of the designated smoking areas in these particular parks.

Based on public comments at Town Council meetings, it was the consensus of the Town Council to evaluate our current practice and make a determination as to whether the policy should be amended.

On October 31st, Staff sent out an inquiry through the California League of Cities list-serve asking the following questions:

- 1) What is the municipality's current smoking policy in their parks?
- 2) How is the policy enforced?
- 3) When was their current policy adopted?

- 4) How has the policy been accepted by the Community?
- 5) Have they seen any decrease in participation based on the policy?

Fifteen cities responded to the list serve question. Additionally, I independently inquired with the City of Victorville, the Hesperia Park and Recreation District and the Big Bear Park and Recreation District. The responses have been compiled and are attached as part of this staff report. A large percentage of the responding cities have a no smoking policy in their parks. Additionally, one city sent me a listing of 18 additional cities in San Diego that have joined a smoke free parks and beaches program in San Diego County.

Considerations:

- 1) In the designated smoking areas in each of the parks, there are signage and smoking urns for disposal of the cigarette butts. These items are the single most vandalized items in our parks. I have attached pictures of some of the current urns/trash receptacles.
- 2) Enforcement of the policy is usually handled by politely asking people to move to the designated smoking areas and they either put their cigarette butts out or move. Calling the police to cite someone who is non-compliant is for the most part not feasible.
- 3) Is there a need to make a change to the existing policy?
- 4) Option of reducing the number of designated smoking areas.
- 5) Changing the methodology of designated smoking area placement.

FISCAL IMPACT:

NA

ATTACHMENTS:

- 1) Listserve results spreadsheet;
- 2) Diagrams of James Woody Community Center and Lenny Brewster Sports Center;
- 3) Pictures of some of the existing smoking urns and waste receptacles;
- 4) Smoking information provided to the Town Council on October 22, 2013

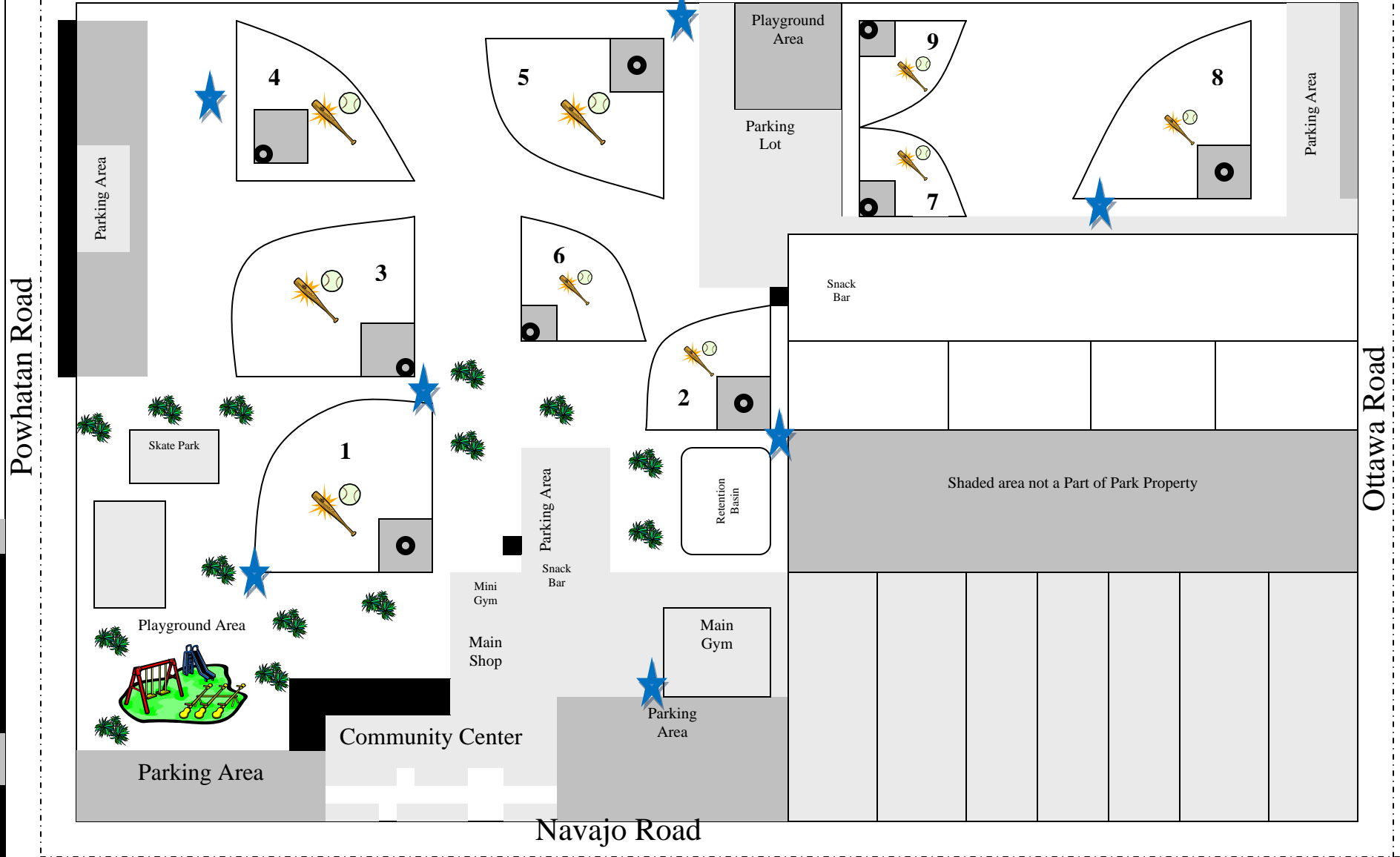
Smoking in Parks Survey - Oct - Nov 2013

Municipality	Current park smoking policy	How is smoking policy enforced	When did this policy begin?	How has change been received by the public	Any reduction in participation applicable to the change	Any other information
South San Francisco	No Smoking	Not enforced	2012	97% positive	None	None
Southgate	Smoking only in designated smoking areas -They have set to set designated smoking areas as no one has asked for them.	Education through informational business cards delivered by Park Rangers	2012	Everyone happy	N/A	"Wish other ordinances were this successful"
Vista	Smoking only in designated smoking areas - Based on requests and City Manager approval - Only a few areas designated (Usually outside community centers)	Usually, just asking people to discontinue.	prior to 2010	Well received - Applause when no smoking is announced during their concert series.	None	Significant reduction in cigarette butts left in the parks!
Emeryville	No Smoking	Mostly self or staff enforced. Proactive no smoking rules throughout city so people used to it.		Positive - 0 complaints regarding parks	N/A	N/A
Santee	State Law - No smoking within 25 feet of a tot-lot.					

Municipality	Current park smoking policy	How is smoking policy enforced	When did this policy begin?	How has change been received by the public	Any reduction in participation applicable to the change	Any other information
Rosemead	No Smoking	All Staff required to enforce and if necessary contact public safety.	In effect many years	N/A	Haven't seen any but policy in place so long, not sure.	N/A
Grover Beach	No Smoking		Last year			
Redding	No Smoking	County Health Officer does walk thrus in parks. Education - through PSAs, Website, flyers etc.	2013	Most positive. Some have complained because someone is dictating how they can act when it doesn't effect others.	In year, more park users and less smoking incidents.	
Lawndale	No Smoking	Rec staff requests removal. Code Enforcement and Sheriff's Department cite, if necessary.	Oct-13	Too Early to tell	Two unstaffed parks might present a concern - rely on park users.	
Cerritos	No Smoking	N/A	2005	N/A	N/A	
Santa Maria	State Law - No smoking within 25 feet of a tot-lot 20 feet of public building entrance or window.	Not actively enforced - Signage posted each park.				Effort to ban smoking in parks defeated at Council level in 2010
Colton	No Smoking		A few years ago	Positive - no complaints	None	
Murrieta	No Smoking	Park Rangers actively discuss with park users to ensure compliance. Have not issued citations.	revised - 2011	No complaints to their knowldege	None	

Municipality	Current park smoking policy	How is smoking policy enforced	When did this policy begin?	How has change been received by the public	Any reduction in participation applicable to the change	Any other information
Lafayette	No Smoking	General signage and temporary specific	Not recent implementation	Well received		Fire Hazards of the area lead to
La Mesa	No Smoking	Will Call PD if necessary		98% of East County - San Diego are for no smoking in Parks and beaches in County	No decrease in participation	At least 18 Cities have passed Smoke free parks and beaches ordinances in San Diego.
CONTACTED LOCAL CITIES SEPERATELY						
Hesperia	State Law - No smoking within 25 feet of a tot-lot 20 feet of public building entrance or window.					
Victorville	State Law - No smoking within 25 feet of a tot-lot 20 feet of public building entrance or window.					
Big Bear	No Smoking	General Signage - Just kindly ask people to discontinue prohibited activity.		Once in a while a complaint at their softball fields in tournaments.	None	

Town of Apple Valley Park & Recreation Department



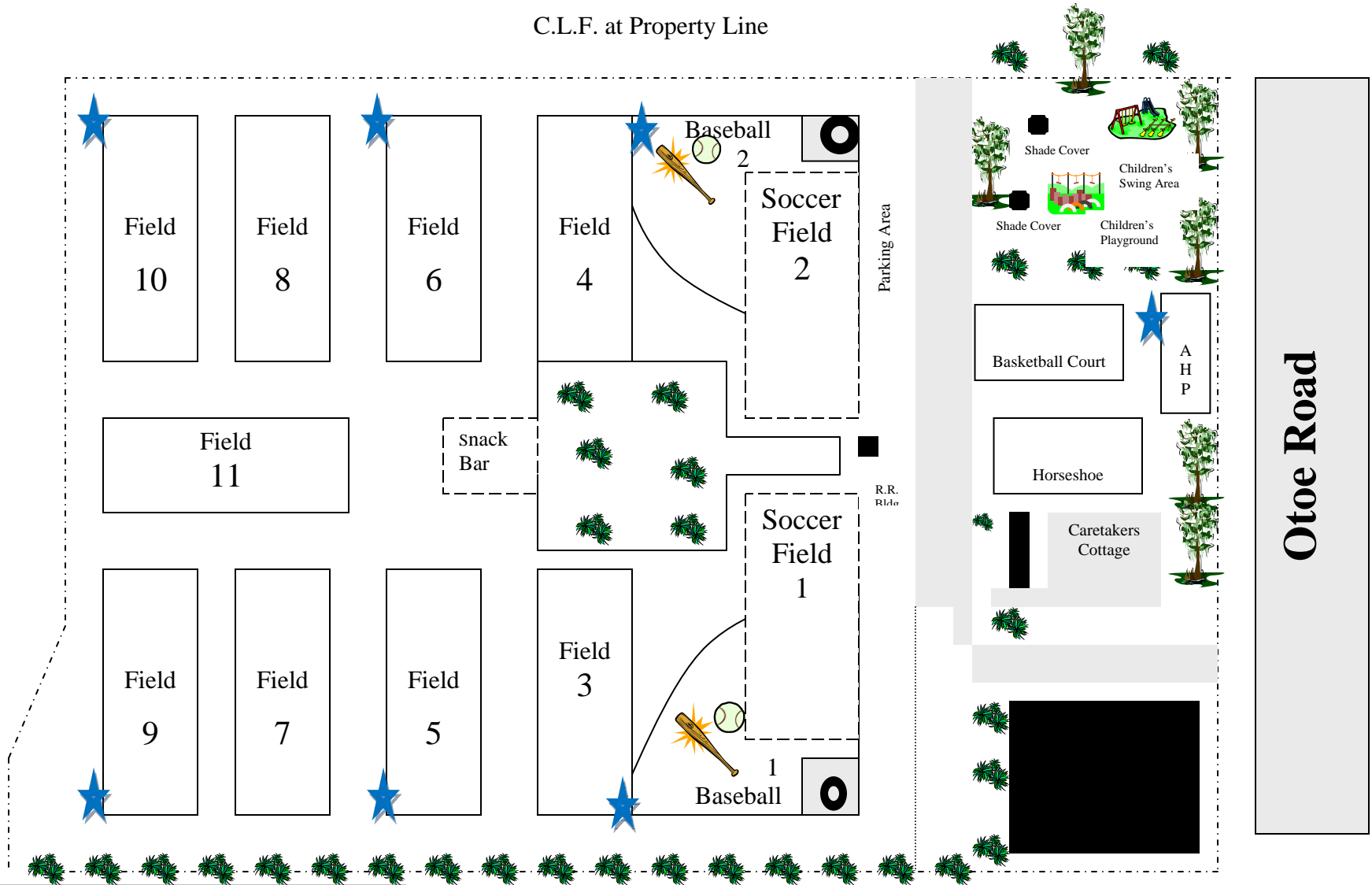
Designated Smoking Areas ★

Community Center (22 acres)

↖
Not to Scale

Town of Apple Valley Park & Recreation Department

C.L.F. at Property Line



Otoe Road

Designated Smoking Areas ★

Brewster Park (39.16 acres)



Not to Scale

Status of Smoking Urns in our Parks





Comprehensive ordinances have been passed in sixty-seven cities and counties in California.

Comprehensive Outdoor Secondhand Smoke Ordinances

MARCH 2013

Secondhand smoke exposure is proven to be harmful at any level, including exposure experienced outdoors. As a result, many cities and counties in California have taken steps to protect their residents from the dangers of secondhand smoke exposure by passing ordinances that restrict smoking in outdoor areas where people congregate.

While some cities and counties prohibit smoking in only one type of outdoor area, many cities have passed comprehensive ordinances that prohibit smoking in most outdoor areas. The ordinances are considered comprehensive when prohibiting smoking in five of the seven following areas:

1. **Dining Areas** – defined as outdoor seating at restaurants, bars, etc.
2. **Entryways** – defined as within a certain distance of doors, windows, and other openings into enclosed areas
3. **Public Events** – defined as farmer’s markets, fairs, concerts, etc.
4. **Recreation Areas** – defined as parks, beaches, trails, sports fields, etc.
5. **Service Areas** – defined as bus stops, ATM lines, ticket lines, taxi stands, etc.
6. **Sidewalks** – defined as public sidewalks, such as sidewalks around downtown shopping and business areas
7. **Worksites** – defined as any outdoor working area, such as construction areas

Sixty-seven cities and counties in California have passed comprehensive outdoor secondhand smoke ordinances. The full list of 67 jurisdictions is available in a table on pages 3-4 which outlines the different areas where each ordinance restricts smoking.

Comprehensive Ordinances: Two Approaches for Success

There are two approaches for a comprehensive outdoor secondhand smoke ordinance. The first approach, or **inclusive approach**, is an ordinance that bans smoking in all public places in the community. Cities that have passed inclusive ordinances, such as El Cajon, Loma Linda, and Calabasas, restrict smoking in all outdoor public places rather than listing the specific areas where smoking is banned. All seven outdoor areas (see above) are covered, as well as all other public places such as parking lots.

The second approach, followed by most other communities, is the **listing approach**. Instead of prohibiting smoking in all public places, these ordinances specifically list the places where smoking is prohibited. This model provides the same type of protection from secondhand smoke as the inclusive approach, but just in fewer locations. This approach allows a community more flexibility in terms of where smoking can be prohibited and allows for communities to gradually expand their smokefree outdoor areas over time.

Implementation

Because these ordinances are designed to be self-enforcing, it is important for the city or county to properly implement the ordinance with an education campaign to make the public aware of the locations where smoking is prohibited. A good implementation plan can include several different elements depending on city/county resources, including signage, publications, websites and dedicated staff. While every jurisdiction may not include all of these elements, it is important to include as many as possible to ensure that the ordinance is effective at prohibiting smoking in these outdoor areas. Below are descriptions each of these elements:

Signage – “No smoking” signs make it clear to the public where smoking is prohibited and empowers people to ask someone to stop smoking

Publications – Materials such as brochures, Frequently Asked Questions (FAQs) and window decals are useful for providing to businesses so that they can comply with the new law.

Websites – A useful way to reach a broad audience is to dedicate a section of the jurisdiction’s website to providing information on the ordinance.

Dedicated Staff – Some cities have designated a specific staff person to work on educating businesses and the public about the policy.

Enforcement

Comprehensive outdoor smoking ordinances are designed to be self-enforcing. When communities pass these types of policies, they do not intend for police officers to spend their time searching for people smoking in public places. Rather, the expectation is that through education and signage (see “Implementation” above), residents will become aware of the smoking restrictions and most individuals who smoke will obey the law. If someone does smoke in a restricted area, other people are likely to ask that individual to stop and inform him/her of the smoking restrictions.

Despite the reliance on self-enforcement, all of the ordinances listed have some provisions that allow the city to enforce the ordinance if needed. Cities and counties have made violations of their outdoor smoking ban punishable as a misdemeanor, infraction or both.

In addition, an enforcement agency has usually been designated to enforce the smoking prohibitions, such as in Petaluma, Temple City and San Rafael. Examples of the individuals and departments who have been designated as enforcement agencies include police officers, code enforcement officers, city attorneys, city prosecutors, city managers, the fire department, health and human services department, environmental health department and parks department.

A final enforcement provision found in some of the ordinances is private enforcement, such as Temple City, San Fernando and Hermosa Beach. This enforcement option empowers an individual to enforce the non-smoking prohibition by bringing a civil action in court against a violator and suing for damages that were caused by violations of the ordinance. This is often included in addition to the above mentioned enforcement options.

Other Resources

The Center has other resources on outdoor secondhand smoke ordinances available on our website at www.Center4TobaccoPolicy.org/localpolicies-outdoorareas. For sample language for drafting a comprehensive outdoor smoking ordinance, please visit ChangeLab Solutions at www.ChangeLabSolutions.org.

TABLE OF COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

The 67 cities and counties in California with comprehensive ordinances are listed below, including in which outdoor areas smoking is prohibited in each community.

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Petaluma (January 2013)	X	X	X	X	X		X
Temple City (December 2012)	X	X	X	X	X		
Fremont (November 2012)	X	X	X	X	X	X	X
San Rafael (October 2012)	X	X	X*	X	X	X	X
Mill Valley (September 2012)	X	X	X	X	X		X
San Fernando (September 2012)	X	X	X	X	X		
Sausalito (August 2012)	X	X	X	X	X		X
Morgan Hill (April 2012)	X*	X*	X*	X*	X		
Orland (February 2012)	X	X	X*	X*	X		
Morro Bay (February 2012)	X	X	X*	X	X	X	X
Concord (September 2011)	X*		X*	X*	X*	X	
Carson (December 2011)	X	X	X	X	X		X
Laguna Hills (December 2011)	X	X	X	X	X		
Solana Beach (December 2011)	X	X	X	X	X		
Alameda (November 2011)	X	X	X	X	X	X	X
Hermosa Beach (November 2011)	X	X	X	X	X	X	X
Compton (October 2011)	X	X	X	X	X		
Sonoma County (October 2011)	X	X	X	X	X		
Campbell (September 2011)	X	X	X	X	X		
Huntington Park (August 2011)	X	X	X	X	X		X
Fairfax (June 2011)	X	X	X	X			X
Larkspur (April 2011)	X	X	X	X	X		X
Carpinteria (February 2011)	X	X	X*	X	X	X	X
Santa Clara County (November 2010)	X	X	X	X	X		X
Union City (November 2010)	X	X	X	X	X		X
Menlo Park (October 2010)		X	X*	X	X		X
Sebastopol (August 2010)	X	X	X	X	X		X
Eureka (July 2010)	X	X	X	X	X	X*	X
Pleasant Hill (April 2010)	X*	X	X	X	X		
San Luis Obispo (April 2010)	X*	X	X	X	X	X	X
Camarillo (April 2010)	X	X	X	X	X	X*	X
Pinole (April 2010)	X	X	X	X	X		
Santa Barbara County (April 2010)	X*	X	X*	X	X		
San Francisco (March 2010)	X*	X*	X*	X	X		
San Leandro (December 2009)	X	X	X	X	X		X
Del Mar (December 2009)	X	X	X	X	X	X	X
Palm Desert (November 2009)	X	X	X	X	X	X	X*
Santa Cruz (September 2009)	X	X		X	X	X	
Moorpark (September 2009)	X	X	X*	X	X	X	X

*Policy that does not prohibit smoking in 100% of the specified area. For more detail on this policy ordinance, see the separate document for this specific policy area.

City / County	Outdoor Area Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Richmond (June 2009)	X	X	X	X	X		
Martinez (April 2009)	X	X	X	X	X		X
Pasadena (October 2008)	X	X	X	X	X		
Glendale (October 2008)	X*	X	X	X	X		X
Dublin (October 2008)	X	X	X*	X*	X		
Thousand Oaks (July 2008)	X*	X	X*	X*	X		
Loma Linda (June 2008)	X	X	X	X	X	X	X
Albany (May 2008)	X*	X	X	X	X	X*	X
Hayward (May 2008)	X	X	X*	X	X	X	
Novato (April 2008)	X*	X	X	X	X		X
Berkeley (December 2007)	X	X		X	X	X*	X
Ross (December 2007)	X	X	X	X	X		
Belmont (October 2007)	X	X	X	X	X		X
El Cajon (August 2007)	X	X	X	X	X	X	X
Blue Lake (June 2007)	X*	X	X*	X	X		
Temecula (May 2007)	X	X	X	X	X		X
Burbank (April 2007)	X*	X	X	X*	X*	X*	
Baldwin Park (February 2007)	X	X	X*	X	X		
Emeryville (December 2006)	X	X	X	X	X		
Laguna Woods (November 2006)	X*	X	X	X	X		
Marin County (November 2006)	X*	X	X	X	X		X
Contra Costa County (October 2006)	X	X	X	X	X		
Santa Monica (October 2006)	X	X	X*	X	X	X*	
Mammoth Lakes (June 2006)	X	X	X	X	X		X
Santa Rosa (June 2006)	X	X	X	X	X*	X*	
Calabasas (February 2006)	X	X	X	X	X	X	X
Arcata (June 2002)	X	X	X	X	X		
Davis (March 1993)	X	X	X	X*	X		

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