



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council **Date:** February 11, 2014

**From:** Ralph Wright  
Parks and Recreation Manager **Item No:** 9

**Subject:** INTRODUCE ORDINANCE NO. 459 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 11.68 USE OF PARK AND RECREATION FACILITIES OF THE APPLE VALLEY MUNICIPAL CODE.

**T.M. Approval:** \_\_\_\_\_

**Budgeted Item:**  Yes  No  N/A

### RECOMMENDED ACTION:

1. Move to waive the reading of Ordinance No. 459 in its entirety and read by title only.
2. Move to introduce Ordinance No. 459 amending Chapter 11.68 Use of Park and Recreation Facilities of the Apple Valley Municipal Code.

### SUMMARY:

At the meeting of the Town Council held on January 14, 2014, The Town Council, after reviewing the Town's current policy on smoking within the Town's Park System, provided direction requesting that an Ordinance to amend the smoking policy and the Town of Apple Valley's Municipal Code be brought forward. The Ordinance amending the Municipal Code is attached as part of this Staff report with the amended sections highlighted.

### BACKGROUND:

The adoption of this Ordinance will improve the experience for many park patrons involved in both active and passive recreation in Town Parks. A no smoking policy in the Town's Park's System aligns with the main goals of the Healthy Apple Valley program by facilitating and promoting improved health and wellness for the Town's citizens. Included in this report are five letters of support of this Ordinance from local and regional members of the health community.

Additionally attached, are the list-serve results from an October 31<sup>st</sup>, 2013 inquiry solicited through the California League of Cities. Fifteen cities directly responded to the list serve question, with one of the cities including a listing of 18 additional cities in San Diego that have joined a smoke free parks and beaches program in San Diego County. Additionally, staff 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 Exhibit A in this staff report. A large percentage of the responding cities have a no smoking policy in their parks.

With the adoption of the Ordinance, a campaign to educate the Town's park patrons will be implemented. This campaign will include but is not limited to modification and installation of new signage in the parks, articles and or PSAs in the Town's newsletter, social media outlets, on the Website, the Park and Recreation's "A Better Way to Play," Activity Guide and local newspapers. Staff will also work to distribute letters to the existing youth groups that use our facilities for organized recreation activities.

#### **FISCAL IMPACT:**

With the adoption of Ordinance 459, modification of the existing signage with the Town's Park system as well as purchase and installation of additional signage will be needed to aid in the education process for our park patrons. The expenditures that arise from the modification and installation of new signage will be paid for with donations and funds generated through the Healthy Apple Valley program and will not impact the General Fund or the Parks and Recreation Fund. Expenditures for educational materials informing the community of the new policy will not exceed the level of funds allocated in the adopted Parks and Recreation Budget.

#### **ATTACHMENTS:**

- 1) Exhibit A - Listserve survey results
- 2) Letters of support from :
  - a. The San Bernardino Department of Public Health;
  - b. Loma Linda University Health
  - c. Kaiser Permanente
  - d. Prevention Institute
  - e. Inland Empire Health Plan

**ORDINANCE NO. 459**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 11.68 USE OF PARK AND RECREATION FACILITIES OF THE APPLE VALLEY MUNICIPAL CODE**

WHEREAS, in order to ensure uniformity in the enforcement of regulations regarding use of park and recreation facilities; and

WHEREAS, the Town Council has a desire for all park and recreational facilities to be used in a manner that is safe and enjoyable; and

WHEREAS, The Town Council has a desire that all members of the community are able to participate in both active and passive recreation programming in the Town's facilities free of second hand smoke; and

WHEREAS, The Town Council, in conjunction with the efforts of the Healthy Apple Valley program, believe that eliminating smoking in Town Parks will enhance the experience of all park patrons; and

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, and

WHEREAS, exposure to secondhand smoke causes death and disease, and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs, and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors, and

WHEREAS, cigarette butts pose a health threat to young children, and

WHEREAS, it is in the best interest of the Town to amend the provisions of Chapter 11.68 (entitled "Use of Park and Recreation Facilities") of Title 11 of the Apple Valley Municipal Code, by amending Chapter 11.68, Section 11.68.040 (q) in its entirety.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 11.68, Chapter 11.68.040 (q) of Title 11 of the Town of Apple Valley Municipal Code is hereby amended to read as follows:

## Chapter 11.68

### USE OF PARK AND RECREATION FACILITIES

#### Sections:

11.68.010	Declaration of Policy
11.68.020	Definitions
11.68.030	Compliance
11.68.040	Specific Acts Prohibited
11.68.050	Designation of Park hours
11.68.060	Skate Park Regulations
11.68.070	Posting of Skate Park Regulations
11.68.075	Dog Park Regulations
11.68.080	Confining or Prohibiting Activities
11.68.090	Permits
11.68.100	Enforcement
11.68.110	Seizure of Evidence
11.68.120	Penalties
11.68.130	Administrative Citations
11.68.10.1	Declaration of Policy

(q) No person, company or organization shall be permitted to smoke in any park or recreation facility.

Section 2. Except as expressly amended and repealed hereby, all other provisions of Title 11 of the Town of Apple Valley Municipal Code shall remain in effect.

Section 3. Invalidation. The amendment by this ordinance of Chapter 11.68 of the Town of Apple Valley Municipal Code as previously in effect shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to either of said Chapters while the same was in effect.

Section 4. Effective Date. This ordinance shall become effective thirty days from and after its adoption.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

APPROVED and ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 25th day of February 2014.

\_\_\_\_\_  
Art Bishop, Mayor

Attest:

\_\_\_\_\_  
La Vonda Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
John Brown Town Attorney

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Frank Robinson, Town Manager