



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 31st, 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

Frank Robinson, Town Manager

EXHIBIT A

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 thru 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 knowledge | 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 | |



OFFICE OF PUBLIC HEALTH ADMINISTRATION
351 North Mountain View Avenue, Third Floor ♦ San Bernardino, CA 92415-0010
(909) 387-9146 ♦ Fax (909) 387-6228

TRUDY RAYMUNDO
Public Health Director

MAXWELL OHIKHUARE, M.D.
Health Officer

January 23, 2014

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

To: Mayor Art Bishop and Town Council Members, Frank Robinson, Apple Valley Town Manager and members of Park and Recreation and Healthy Apple Valley committees

Subject: Proposed Town Ordinance That Bans Smoking in Public Parks

Dear Town Leader:

On behalf of the San Bernardino County Department of Public Health we are contacting you to express thanks for taking action to improve the health of your residents with the ban on smoking in your park system.

As you are aware many communities across California are strengthening policies that promote the health and well-being of the public. Such efforts include the impact of public tobacco smoking and the second- hand exposure to the public and children.

Today, nearly 1 in 5 deaths are attributed to cigarette smoking, more than all other leading causes combined.* You may also be aware that recent public health data collected for San Bernardino County and for the High Desert region in particular, report that 20% of residents smoke, a rate significantly higher than the 12.2% reported for the state of California. **

Thank you for taking action that allows your community’s physical environment to better protect the health of your residents. And we wish you continued success enhancing the Town of Apple Valley’s Better Way of Life.

Sincerely,

Maxwell Ohikhuare, MD
Health Officer

Source:

- *San Bernardino Department of Public Health Tobacco Use Reduction Now
- ** 2012 Community Health Assessment St. Joseph Health, St. Mary Medical Center

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors

| | |
|--|-----------------------------------|
| ROBERT A. LOVINGOOD.....First District | JAMES RAMOS.....Third District |
| JANICE RUTHERFORD.....Second District | GARY C. OVITT.....Fourth District |
| JOSIE GONZALES.....Fifth District | |



LOMA LINDA UNIVERSITY
HEALTH

January 23, 2014

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

To: Mayor Art Bishop and Town Council Members, Frank Robinson, Apple Valley Town Manager and members of Park and Recreation and Healthy Apple Valley committees

From: Loma Linda University Health – Community Health Development

Subject: Proposed Town ordinance that bans smoking in public parks

Dear Town Leader,

On behalf of Loma Linda University Health we are contacting you to express thanks for taking action to improve the health of your residents with the ban on smoking in your park system.

As you are aware many communities across California are strengthening policies that promote the health and well being of the public. Such efforts include the impact of public tobacco smoking and the second-hand exposure to the public and children.

Today, nearly 1 in 5 deaths are attributed to cigarette smoking, more than all other leading causes combined.* You may also be aware that recent public health data collected for San Bernardino County and for the High Desert region in particular, report that 20% of residents smoke, a rate significantly higher than the 12.2% reported for the state of California. **

Thank you for taking action that allows your community's physical environment to better protect the health of your residents. And we wish you continued success enhancing the Town of Apple Valley's Better Way of Life.

Sincerely,

Dora Barilla, DrPH, MPH
Assistant Vice President of Strategy and Innovation

Source:

*San Bernardino Department of Public Health Tobacco Use Reduction Now

** 2012 Community Health Assessment St. Joseph Health, St. Mary Medical Center

January 31, 2014

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

To: Mayor Art Bishop and Town Council Members, Frank Robinson, Apple Valley
Town Manager and members of Park and Recreation and Healthy Apple Valley
committees

From:

Jennifer Resch-Silvestri
Senior Director, Public Affairs and Brand Communications
Kaiser Permanente San Bernardino County
9961 Sierra Avenue
Fontana, CA 92335

Subject: Proposed Town ordinance that bans smoking in public parks

Dear Town Leaders,

On behalf of Kaiser Permanente we are contacting you to express thanks for taking action to improve the health of your residents with the ban on smoking in your park system.

As you are aware many communities across California are strengthening policies that promote the health and well being of the public. Such efforts include the impact of public tobacco smoking and the second- hand exposure to the public and children.

Today, nearly 1 in 5 deaths are attributed to cigarette smoking, more than all other leading causes combined.* You may also be aware that recent public health data collected for San Bernardino County and for the High Desert region in particular, report that 20% of residents smoke, a rate significantly higher than the 12.2% reported for the state of California. **

Thank you for taking action that allows your community's physical environment to better protect the health of your residents. And we wish you continued success enhancing the Town of Apple Valley's Better Way of Life.

Sincerely,



Source:

*San Bernardino Department of Public Health Tobacco Use Reduction Now

** 2012 Community Health Assessment St. Joseph Health, St. Mary Medical Center

January 30, 2014

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

To: Mayor Art Bishop and Town Council Members, Frank Robinson, Apple Valley Town Manager and members of Park and Recreation and Healthy Apple Valley committees

Subject: Proposed Town ordinance that bans smoking in public parks

Dear Town Leader,

I am writing on behalf of Prevention Institute to express our sincere appreciation for your action to improve the health of your residents with the ban on smoking in your public parks. I am the Executive Director of Prevention Institute, a non-profit national center dedicated to improving community health and well-being by taking action to build resilience and to prevent problems before they occur. The Institute's work is characterized by a strong commitment to community engagement and promotion of equitable health outcomes. I was involved in creating the nation's first multi-city smoking laws and I'm thrilled to see your leadership on effective development and implementation of smoking policy.

With the recent release of the Surgeon General's 50th anniversary report on smoking, we are reminded that while great strides have been made over the last fifty years, there is still a need to enact policies and practices that protect communities from the effects of smoking. Today, nearly one in five deaths is attributed to cigarette smoking, more than all other leading causes combined.¹ You may also be aware that recent public health data collected for San Bernardino County and for the High Desert region in particular indicates that 20% of residents smoke, a rate significantly higher than the 12.2% reported for the state of California.² This year's Surgeon General's report adds diabetes, rheumatoid arthritis and impaired immune function to a list of illnesses associated with smoking, along with two new cancers (making the number of associated cancers 13).³ Additionally, secondhand smoke increases the risk of stroke by 20-30 percent⁴. The continued impact of smoking on our health, families and communities makes the urgent case for enacting smoking policies and for protecting outdoor space, particularly where children play.

By eliminating smoking in parks, you not only reduce the impact of secondhand smoke and the associated illnesses, suffering, and medical costs, you also create needed safe spaces where children can be active and play—improving their health and reducing current and future medical costs as well. Prevention Institute works to create healthy, safe communities; policies like your town's smoking ban provide valuable examples of how to do this effectively.

Thank you for taking action that allows your community's physical environment to better protect the health of your residents. We wish you continued success in enhancing the Town of Apple Valley's health and safety.

Best regards,



Larry Cohen
Executive Director
Prevention Institute

¹ San Bernardino Department of Public Health Tobacco Use Reduction Now

² 2012 Community Health Assessment St. Joseph Health, St. Mary Medical Center

³ US Surgeon General 50th Anniversary Report on Smoking and Health

⁴ US Surgeon General 50th Anniversary Report on Smoking and Health



January 29, 2014

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

To: Mayor Art Bishop and Town Council Members
Frank Robinson, Apple Valley Town Manager
Members of Park and Recreation and Healthy Apple Valley committees

Subject: Proposed Town ordinance that bans smoking in public parks

Dear Town Leaders,

On behalf of St. Mary's public benefit organization, we are contacting you to express thanks for taking action to improve the health of your residents with the ban on smoking in your park system.

Many communities across California are strengthening policies that promote public health and well being. This action aligns perfectly with Resolution 2009-48 adopted by Apple Valley in October 2009. These policies lessen the disease burden tobacco smoking in public areas places on the community.

Today, nearly 1 in 5 deaths are attributed to cigarette smoking, more than all other leading causes combined.* You may also be aware that recent public health data collected for San Bernardino County and for the High Desert region in particular, report that 20% of residents smoke, a rate significantly higher than the 12.2% reported for the state of California. **

IEHP is a Knox-Keene licensed Health Plan located in San Bernardino, California, and is a not-for-profit public agency serving low income, vulnerable populations. IEHP serves San Bernardino and Riverside Counties and has over 650,000 Members in the following programs: Medi-Cal (including seniors and people with disabilities), Healthy Families, Healthy Kids, and a Medicare Advantage Special Needs Program. Through a dynamic partnership with providers, award-winning service and innovative products, IEHP is fully committed to providing our Members with quality, accessible and wellness based healthcare services. By partnering with providers we deliver high quality health

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Visit our website at: www.iehp.org

Town Of Apple Valley
January 27th, 2014
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care coverage to low-income working families with children, adults, seniors, and people with disabilities.

Thank you for taking action that allows your community's physical environment to better protect the health of your residents. And we wish you continued success enhancing the Town of Apple Valley's Better Way of Life.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Henning', with a stylized flourish at the end.

William Henning, D.O.
Chief Medical Officer
Inland Empire Health Plan

Source: