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**Council Meeting Date:** March 19, 2012

**Agenda Item:** 8(a)

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 630 - Tobacco Free Park Regulations
<b>DEPARTMENT:</b>	City Manager's Office Parks, Recreation and Cultural Services
<b>PRESENTED BY:</b>	John Norris, CMO Management Analyst Dick Deal, Parks, Recreation and Cultural Services Director
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion

**PROBLEM/ISSUE STATEMENT:**

On January 23, the Council discussed the Healthy City Strategy goal of establishing tobacco free parks in Shoreline. Background information about the benefits of tobacco free parks was provided, and staff from Public Health – Seattle and King County provided information on the public health and environment issues associated with allowing smoking in Shoreline parks. The staff report and materials presented at the January meeting can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2012/Staffreport012312-8a.pdf>.

Council provided direction for staff to move the proposed tobacco free regulations forward. Staff provided proposed next steps, including conducting an online survey and drafting a proposed ordinance that would codify the regulations. This report provides the results of the online survey, and proposed Ordinance No. 630, which would prohibit the use of tobacco in Shoreline parks. This report also discusses enforcement mechanisms and other policy considerations of putting these regulations in place.

**RESOURCE/FINANCIAL IMPACT:**

There is a very minimal fiscal impact to establishing tobacco free parks in Shoreline. If Ordinance No. 630 is adopted by the City Council, City resources used to enforce the regulations would be spent on posting signage in parks and on educating current law enforcement and parks officials. The estimated cost for signage could range from \$3,000 to \$5,000. Staff would not recommend that additional resources be spent on increased police and/or park patrols for this specific regulation and would rely on education and 'peer to peer' enforcement as the predominant enforcement mechanism.

**RECOMMENDATION:**

No action is required tonight. This report provides additional background information about tobacco free parks and provides a draft ordinance to codify the tobacco free park

regulations for Council's consideration. Council is scheduled to consider the adoption of Ordinance No. 630 on March 26.

Approved by: City Manager - *JU* City Attorney \_\_\_\_\_

## **BACKGROUND:**

On January 23, the Council discussed the Healthy City Strategy goal of establishing tobacco free parks in Shoreline. Background information about the benefits of tobacco free parks was provided, and staff from Public Health – Seattle and King County provided information on the public health and environment issues with allowing smoking in Shoreline parks.

Public Health staff also stated that in the State of Washington, more than 25 cities and 15 counties have adopted policies promoting tobacco and smoke-free public outdoor areas. In King County, the cities of Auburn, Burien, Covington, Seattle, Snoqualmie and the Vashon Parks District all have tobacco free regulations or policies in place. Additionally, King County Executive Dow Constantine stated that he would work with the County Council to develop a no-smoking policy for King County parks.

Also on the 23<sup>rd</sup>, staff provided proposed next steps to move the tobacco free park regulations forward, including conducting an online survey and drafting an ordinance that would codify the regulations. This report provides the results of the online survey, and provides proposed Ordinance No. 630, which would prohibit the use of tobacco in Shoreline parks. This report also discusses enforcement mechanisms and other policy considerations of putting these regulations in place.

## **TOBACCO FREE PARKS SURVEY RESULTS:**

To hear community-member input on making Shoreline's parks tobacco free, staff suggested that a web-survey be conducted via the City's website. The survey asked three 'yes-no' questions, and an open-ended question soliciting comments or additional thoughts. The four questions were:

1. Would you support a policy that prohibits the use of tobacco products (smoking, smokeless tobacco, cigars, pipes, etc.) in City Parks? - *Yes/No/No Opinion*
2. Do you live in Shoreline - *Yes/No*
3. Do you use tobacco products - *Yes/No*
4. Do you have any additional thoughts or comments on tobacco-free parks in Shoreline? – *Open Ended*

The survey was conducted on the City's website from February 2 to the 24. The results of the survey, which are attached to this staff report as *Attachment A*, closely mirror the results of a survey that was conducted by King County. Of the 192 respondents, 69% stated that they would support a policy that prohibits the use of tobacco products in City parks. As well, 83% of the respondents live in Shoreline, and 92% do not use tobacco products. The King County survey determined that 70% of King County residents support prohibitions on smoking in outdoor public places.

The individual comments associated with the survey are attached to this staff report as *Attachment B*. The largest number of comments (49) were in support of the proposed ban of tobacco products in City parks. Many supporters referred to tobacco smoke being unpleasant and a ban should lead to less litter in parks. The second largest

number of comments (29) were in reference to government taking action that infringed on individual civil liberties or that parks are for all to enjoy, even those who use tobacco which is a legal substance. There were 14 comments regarding concerns on how such a ban would be enforced and nine comments that supported a ban for playgrounds and play fields only.

### **TOBACCO FREE PARKS REGULATIONS:**

As Caroline Hughes noted in her presentation to Council on January 23 regarding how other communities regulate tobacco use in their parks, there are several ways to structure, codify and enforce tobacco use rules in city parks. Some communities, for instance, create smoke-free zones around playground areas in their parks, but allow smoking in other park areas. Other communities ban tobacco use and smoking outright. As well, some communities set up tobacco free parks rules as administrative policies, while other communities enact legislation codifying the rules in the municipal code. Options also exist for enforcement – voluntary compliance or an enforcement provision that would allow for a civil infraction by code.

In reviewing how to structure, codify and enforce tobacco-free regulations, staff has provided the following alternatives for Council review.

#### **Structure of Tobacco Free Regulations**

At the Council meeting on January 23, Council provided direction that they were interested in a complete prohibition of tobacco products in City all park areas. This includes the smoking of tobacco, and use of chewing/smokeless tobacco. Based on this direction, staff has structured the regulations in proposed Ordinance No. 630 to conform to these policies.

Other communities have structured their tobacco-free parks regulations in multiple ways. Some of these alternatives include:

- Prohibiting smoking only; smokeless tobacco/chewing tobacco is allowed
- Prohibiting smoking/tobacco use only in playgrounds (25-50 feet perimeter)
- Prohibiting smoking/tobacco use within 25 feet from other park users
- Prohibiting smoking/tobacco use from other identified areas of a park, such as bathrooms, ball fields, beaches, etc.
- Creating a designated smoking area in parks

Although all of these options are available to Council, staff continues to be supportive of the outright prohibition of tobacco use in all park areas for the following reasons:

- The environmental impacts of tobacco litter will continue to be a problem if tobacco use is partially allowed in parks.
- If tobacco use is allowed in certain areas of a park, it can still send a mixed-message to children and youth that tobacco products are consistent with a healthy environment and lifestyle. This includes both smoking and the use of smokeless or chewing tobacco.

- Creating signage to communicate a partial prohibition and enforcing partial prohibitions can be very challenging for park administrators and law enforcement. Park users may also find it difficult to communicate a partial prohibition to their fellow park patrons if they were interested in communicating this park rule.
- A complete prohibition on use of all tobacco products would mirror the regulations for Shoreline School District buildings, playfields, playgrounds, and parking lots. This will provide a consistent set of rules for all public playfields and play spaces in the City.

As well, on February 23, the Shoreline Parks, Recreation and Cultural Services Board unanimously supported the recommendation of a complete prohibition of the use of all tobacco products in Shoreline parks.

### **Codification of Tobacco-Free Regulations**

Shoreline Municipal Code (SMC) Chapter 8.12, Rules for Use of City of Shoreline Park Facilities, sets forth the formal rules governing the use of park facilities. Article III and IV of SMC Chapter 8.12 provide for these specific rules, with Article III establishes the less serious rule violations and Article IV describing the more serious rule violations. Examples of Article III park rules include prohibitions on littering, washing of vehicles, camping, overnight boat moorage, horseback riding, and golfing. Examples of Article IV park rules include prohibitions on damaging property, harming wildlife, dumping garbage, possessing fireworks, and being intoxicated.

Given that park rules are clearly identified in Articles III and IV of SMC Chapter 8.12, staff recommends that any tobacco-free regulations adopted by Council also be codified in Article III of SMC Chapter 8.12. Having all park rules in one location provides for ease of use on behalf of park administrators and park users. As well, codifying tobacco-use regulations provides for a consistent policy with regard to other parks rules and penalties for violation.

### **Enforcement of Tobacco-Free Regulations**

In enforcing tobacco-free regulations, other communities have generally used three enforcement methods – voluntary compliance, park premises removal, or a codified enforcement provision, which is usually implemented by a civil infraction penalty. Voluntary compliance means that there is no formal enforcement mechanism, and therefore the regulation is actually more of a guideline than regulation. In communities that do have voluntary compliance enforcement for their tobacco-free parks regulations, many of these regulations are identified in administrative park policies.

Park premises removal is removal of the violator from park grounds by a parks employee or law enforcement official for a specific duration of time. The City of Seattle Parks Department for instance has adopted an administrative rule that prohibits smoking, chewing or other tobacco use within 25 feet of other park patrons and in play areas, beaches or playgrounds. The enforcement mechanism of this administrative rule is either issuance of a Parks Exclusion Notice or notification by a Seattle park employee

that the violator's permission to remain on the premises of the park has been withdrawn for up to 24 hours.

Although voluntary compliance or park premises removal are enforcement options for Council, staff recommends enacting a codified enforcement provision in Article III of SMC Chapter 8.12. This will have the result of automatically associating the enforcement mechanisms identified in Article V of this Chapter with the regulations outlined in Article III. Article V, titled Penalties, currently states:

- A. Violation of any provision of Article III of this chapter shall be a civil infraction.*
- B. Any person cited for a violation of Article III of this chapter shall be subject to the applicable justice court rules and bail schedule.*
- C. Any person found guilty of committing an infraction shall be assessed a monetary penalty not to exceed \$500.00, or shall make restitution for any damage caused to park facilities, or shall be subject to both a monetary penalty and restitution.*

Thus, by placing the tobacco-free parks regulations in Article III of the current parks code, the enforcement mechanism is already built-in. As well, the City Manager will set the City's bail schedule amount with the King County District Court, which will be the forfeited amount for an uncontested civil infraction. Contested park rules infractions may not have a penalty assessed in excess of \$500.

Practically however, the likelihood of a civil infraction being issued for violation of this proposed parks code section is very small. In fact, the other sections of Article III of the parks code, which have the exact same enforcement mechanism, have almost never been enforced by Shoreline police. The exception to this is the leash law in City parks, which is regularly enforced by a Park's Department Code Enforcement officer who specifically enforces off-leash dog activity in parks. The current bail schedule for this infraction is set at \$25. Based on this, staff will set the bail schedule at \$25 for a violation of proposed Ordinance No. 630.

As noted during the Council presentation of January 23 and as noted in the resource/financial impact section of this report, staff would not recommend that additional resources be spent on increased park patrols by Shoreline police. Parks staff and administrators would rely on education and 'peer to peer' enforcement as the predominant enforcement mechanism of this rule.

If adopted, it is anticipated that resources will be spent on signage in parks to communicate to park users that tobacco use is prohibited in Shoreline parks. Signage is estimated to cost between \$3,000 and \$5,000. Park administrators will also spend time communicating the new regulation, and how it is hoped that the majority of enforcement will be accomplished through peer to peer communication, to park staff and Shoreline police. Although this training should not require any fiscal resources, it will take staff time to complete.

### **Proposed Ordinance No. 630**

Proposed Ordinance No. 630, which is attached to this staff report as *Attachment C*, proposes to codify tobacco use regulations in Shoreline parks. The ordinance adds a new section to Article III of SMC Chapter 8.12, and states that “no person shall use tobacco in any park area; tobacco use includes, the smoking or lighting of cigarettes, cigars, or pipe tobacco, or the use of smokeless or chewing tobacco.” As noted earlier, if a park user was found using tobacco products by Shoreline law enforcement, they could be subject to the enforcement mechanisms outlined in Article V of the parks code.

### **COUNCIL GOAL ADDRESSED:**

Tobacco free park regulations address Council Goal No. 6: Develop a “health city” strategy. As part of the Healthy City Strategy, *Shoreline4Health*, a strategy goal was developed to establish a tobacco free zone in all of Shoreline’s parks and public sites.

### **RESOURCE/FINANCIAL IMPACT:**

If Ordinance No. 630 is adopted by the City Council, City resources used to enforce the regulations would be spent on signage in parks and on educating current law enforcement and parks officials. Signage is estimated to cost between \$3,000 and \$5,000. Staff would not recommend that additional resources be spent on increased police and/or park patrols for this specific regulation, but would instead rely on education and ‘peer to peer’ enforcement as the predominant enforcement mechanism.

### **RECOMMENDATION:**

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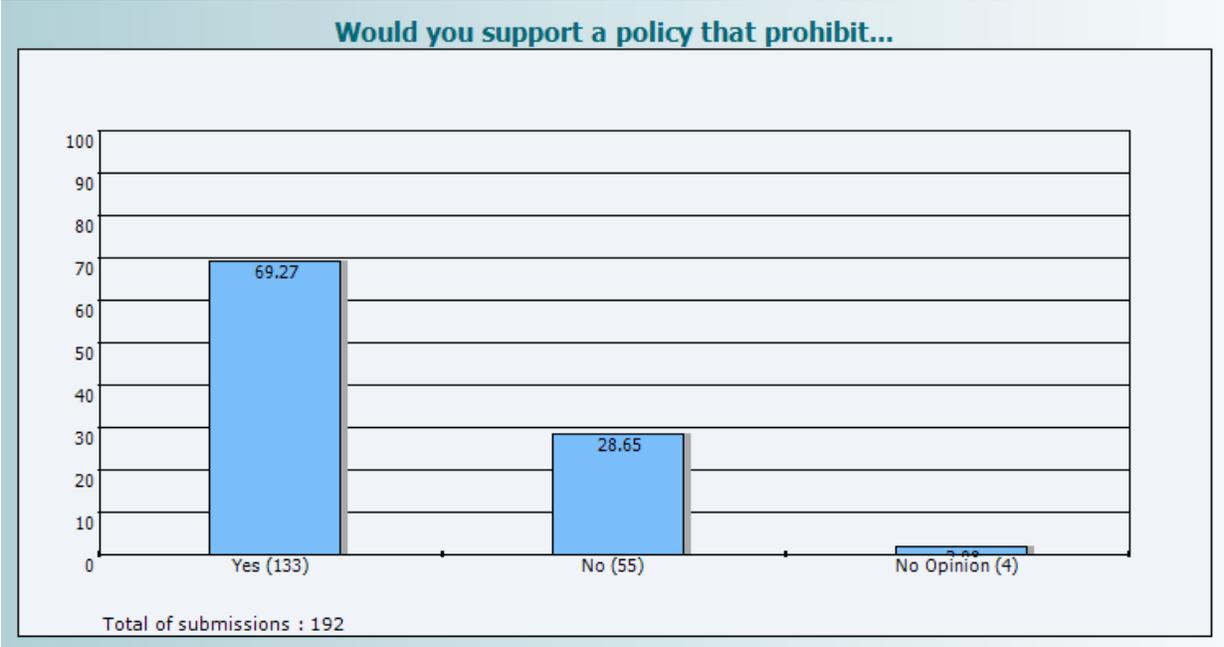
### **ATTACHMENTS:**

- A: Tobacco Free Parks Web Survey Results
- B: Tobacco Free Parks Web Survey Comments
- C: Proposed Ordinance No. 630

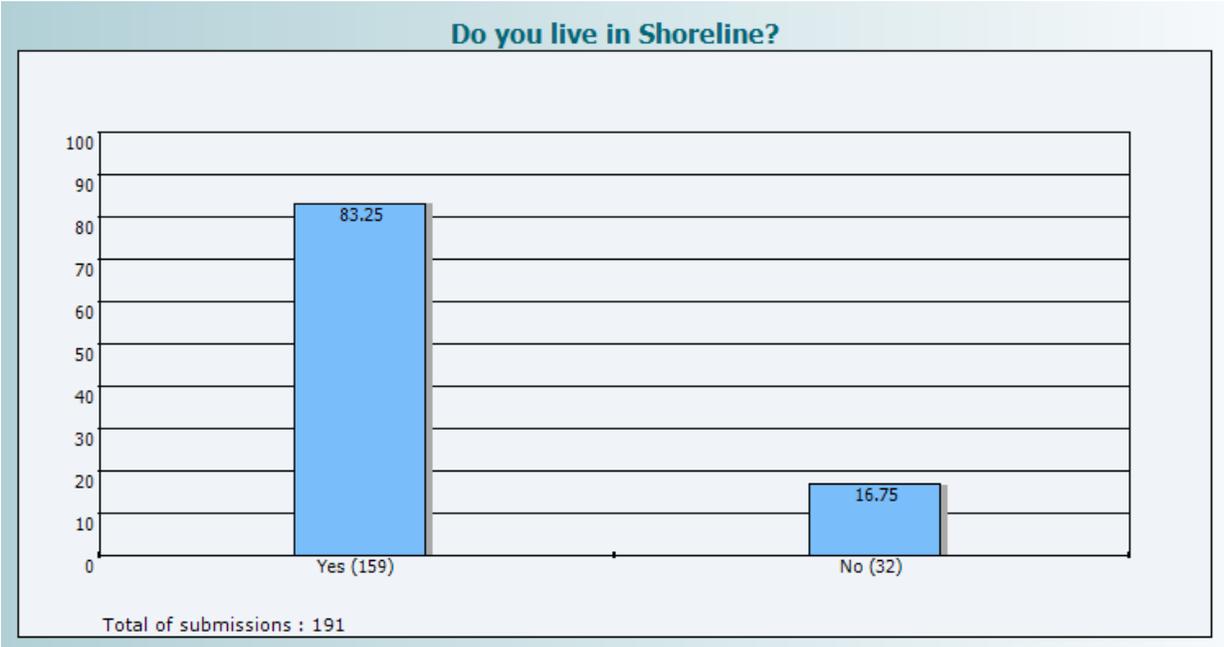
**Attachment A:**

**TOBACCO FREE PARKS SURVEY RESULTS**

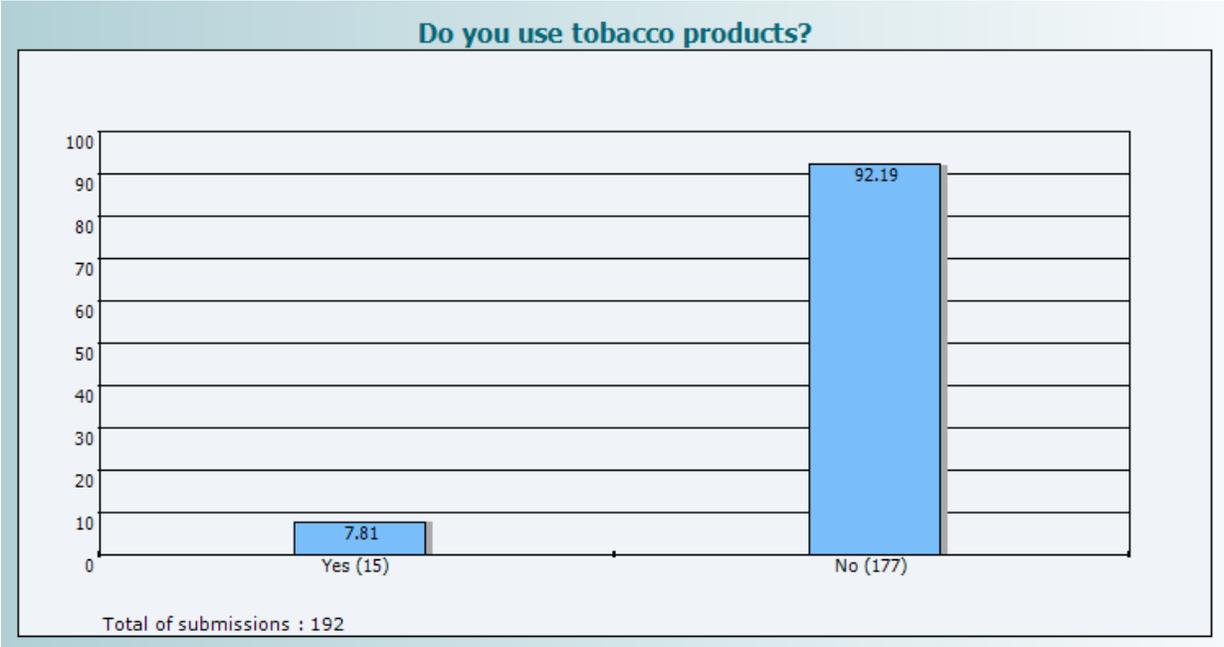
1. Would you support a policy that prohibits the use of tobacco products (smoking, smokeless tobacco, cigars, pipes, etc.) in City Parks?



2. Do you live in Shoreline?



3. Do you use tobacco products?



Attachment B

Survey Comments

**BAN IS AN INFRINGEMENT ON CIVIL LIBERTIES/PARKS SHOULD BE ENJOYED BY ALL/GOING TOO FAR IN OUTDOORS**

The statewide indoor smoking ban is quite enough. In fact, the 25-foot rule is already going too far. Public health research shows that there will probably be 15-20% of the population who will continue to use tobacco regardless of what happens in society. Do we really want to disenfranchise that many people? Also, insurance actuarial tables show that the added danger of even living with a smoker is far less than the inflated statistics quoted by anti-smoking activists. These activists are on a mission to make it impossible for anyone to smoke, anywhere. I think the public health is already sufficiently served by an indoor smoking ban. I think the danger to our civil liberties posed by the legal tactics of anti-smoking activists is much greater than that of an occasional whiff of dilute tobacco smoke outdoors.

Tobacco users are also taxpayers. Restricting use of the park to not allow tobacco products in the park is an infringement on peoples rights.

Banning smoking outdoors is costly and infringes on civil liberties. Also, expecting citizens to police others is asking for trouble. Why not enforce the laws that already exist; I.e. if someone is tossing butts, execute the littering law. I can understand banning smoking indoors, but banning outdoor smoking is going way too far. Lets focus our resources on matters that are truly pressing.

I your your limited resources would not be well used trying to police people who are smoking outside.

I think that since all park are open air and there is already so many restrictions on where we can smoke. Also parks are meant to be enjoyed by everyone and should not have that many limitations.

I find it ironic that tobacco products users have become such a target for a "controlled segment" of society while, at the same time, Marijuana will evedently soon be legalized by this state. I used to use tobacco products and guests in my home are welcome to smoke when visiting. I live within a block of a Seattle city park where permanent bar-b-que facilities are provided for all to use. What about that smoke? The people (and especially governments) of Puget Sound neighborhoods and communities have become so hostile, unfriendly, intolerant, and inconsiderate of one another in the past 10 to 20 years. Now that smokers are a minority, the majority seems to relish any chance to pile on, fearing no backlash. I realize the health hazards of tobacco but, outside, in the wide open spaces? Get real! All tax payers support our community parks, tobacco users probably more than nonusers.

The long hand of government is getting annoying. Parks are outside!

let's throw away a little more freedom, right?

This is still America.

I am sick and tired of government trying to social engineer people habits, and I have never smoked or used any tobacco products. What else are they going to try to do after this? Shame on government and shame on people who are not considerate when they smoke. You can never create a perfect society, so stop forcing it on us.

I can't see that this is that big of a deal, unless you are the overly zealous type. There is plenty of fresh air outdoors and plenty of more important issues to take up.

By the way, I have children under 18 and I don't smoke. I am tired of the "Nanny State" and Shoreline seems to love it. Quit saving us from ourselves!

I don't smoke, or use tobacco, and dislike being around others who do, but I strongly dislike the government encroachment on individual liberties. Indoors. I support the ban. Outdoors or in the parks: not at all. Leave people alone. We don't need to spend government \$ advertising and enforcing a new rule.

I think tobacco is a legal product.

I think making parks smoke free is as ridiculous as trying to legislate banning traffic from driving in and around parks.

Government has more important things to do.

And no, I do not smoke. Nor, do I ever intend to smoke in a park. And yes, I have 2 children (9 and 12).

The most dangerous thing I do with them everyday is let them drive in a motor vehicle.

I am not worried about their exposure to second hand smoke while playing at the park. (or while camping for that matter)

Smoking in an open air environment presents such a minuscule health risk, via the second-hand smoke, that such a ban would be more-so about the smoke being unpleasant, and a minor inconvenience... To ban everything that is at all unpleasant to a group of people in public would be ridiculous - So why this one thing? It is a slippery slope.

Although I do not smoke (and nobody in my family smokes), I feel that such a policy would be too "Draconian". Smokers have rights too- maybe additional places to put the butts when they are finished (along with more stringent litter laws) would help. But no, I do not support a policy prohibiting all tobacco products.

I don't like tobacco smoke either, and I definitely support indoor nonsmoking laws, but I think this is a little puritanical. I would support designated outdoor smoking areas, including in parks.

I do not smoke, and banning indoor tobacco use is one thing. But banning it in large, open air parks? This is something that I cannot support. The secondhand smoke (which may or may not be dangerous) does not hang around for others to breathe, it disperses and becomes probably much less dangerous than the exhaust fumes from the cars driving through the parks' parking lots. If I were at the park with my family and someone were smoking near enough to us that it was bothering me, I would simply either ask them to move or move myself. Let's practice common sense and courtesy, not paranoid over protection. Only the actual smokers, themselves, need be concerned with the health problems from smoking in a park. Let's not curtail their basic rights and freedoms because of their poor health choices. Also, why ban smokeless tobacco products? Who would they hurting in a park? Especially since tobacco (minus all the horrible additives) has several positive medicinal properties.

As long as people are responsible with the disposal of their trash, I say let them smoke. Sure, walking down the trail behind someone who is smoking is not enjoyable, but they have as much a right to be in the parks as I do. They just need to put their garbage in the proper place and not flicked into the bushes, especially during the dry months (half of August).

This is going too far. Parks are outdoors. the anti-freedom forces are using smoking as a way to strong arm freedoms away from people. These people won't be happy until they take away people's choices...because they don't like the choices people are making.

I think, if people want to avoid the smoke, they can simply move away. I only feel pity for people who are still addicted. They are going to pay for this with their health. They don't need to be hounded anymore than they already are.

I just don't see the necessity of banning tabacco in parks. Perhaps some areas - such as close to children's play areas - should be smoke free, but I do not believe anyone is going to be harmed by someone smoking outside. Tabacco is still legal and those that want to smoke should still have some rights.

I don't like to hear some of the offensive language that others use, but are we going to keep that out of the parks? NO!

Let's be reasonable about other's bad habits. It is a legal addictive substance.

It is outside. Leave people alone for goodness sake.

I was a smoker until about 5 years ago. When I was a smoker, I respected people's space at parks by not smoking at them UNLESS noone was around or I was far enough away. I believe parks belong to all of us and that when smokers are allowed to smoke at a public place, it's an invasion on another persons rights.

there is lots of air circulation and wind at the parks, let the smokers have a last refuge. At city hall, no, but out in the wild and open, yes, let them smoke like chimney. Laura Solway

While I am a non-smoker and would love not to smell cigarette smoke, it is legal to smoke. I think we need to respect all residents, including those who smoke. I would be strongly in favor of banning smoking in the areas used primarily by children - the playground areas and sports fields. People who smoke should be allowed to smoke in other parts of the parks.

Thanks for having this survey.

Sarah Hanssen

<p>It does not serve justice or liberty to prohibit people from activities done unto themselves whether or not I agree to it. It may be argued that smoking may affect others, but we have other laws to deal with people that are disturbing the peace or being a nuisance to others. I don't like seeing or hearing crying babies, shall we also ban them from parks or all other public places. Leave people alone unless they are hurting others knowingly, then let the law handle those few harshly. I nor any American should wish to make a prisoner of any person in his/ her own country due to other's fears or biases.</p>
<p>Were already a nanny state, and in door smoking prohibited, and ya want to ban out door too? It goes to far. Welcome to Shoreline, please stay in a single file line, arms at your sides, no smoking. I know your just looking out for all. Butt outside too?</p>
<p>In open space w/nobody around it shouldn't be an issue.</p>
<p>Give the smokers a break. They have a right to enjoy their habit in peace. Second hand smoke outdoors is not harmful to others and there is plenty of space at the parks for everyone. Shoreline has become a nanny city of whiners. I have never smoked!</p>
<p><b>ENJOYS SMOKING</b></p>
<p>When I'm walking my dogs at the Shoreview park I enjoy having a cigarette.</p>
<p><b>SUPPORT THE PROPOSAL</b></p>
<p>In parks? Its outside of course, but children are around, so im all for it!!</p>
<p>I would absolutely back this movement! I don't live in Shoreline, but do work in the city. I spend a lot of free time in Shoreline parks and beaches!</p>
<p>In addition to the second hand smoke issue it just sets a bad example for kids.</p>
<p>Yes, in addition to no smoking, there should be no loitering in the parks after sunset.</p>
<p>Why would you let people smoke in parks where kids play? It would make more sense to let people smoke in bars where only adults go rather than parks. It seems the timeline is a little backwards, in other words parks should have been smoke free before bars but its still progress so good luck.</p>
<p>Would be nice to reduce the teen smoking in this area. Perhaps this would help.</p>
<p>I go to school in Shoreline, shop in shoreline, and the parks I frequent most often are in Shoreline. I feel that when I am exposed to second-hand smoke, I am not able to engage in recreation afforded by access to parks. I have been known to avoid parks and other very nice recreational areas that I would otherwise cherish or view as a prize because of the exposure I would have to secondhand smoke. It is very limiting to have to live life this way based on other peoples' choices.</p>
<p>Tobacco use should be illegal, period. It is a fatal addiction that causes a huge financial drain on society. I don't know anyone who smokes who can afford to do so. Sorry RJ Reynolds shareholders. Thanks for asking.</p>

Tell me what I can do to help this go thru.. Huntington Beach and others in California are smoke free....lets start the trend in Washington for a healthy fresh air park experience. Put me on the volunteer list. Sandra Simmons
Keep secondary smoke away from the public.
The combination of litter and air quality make this an issue that is important to me. Thank you!
As a health care professional I recognize that smoking is a major health hazard. I support any effort that reduces exposure to non-smokers (esp. children) and discourages the habit. rch
Shoreline parks should be tobacco free. Its the right thing to do for health reasons, second hand smoke reasons, and keeping things clean.
I live just a few blocks south of Shoreline and make regular use of Richmond Beach Park to excersize, especially by climbing and descending the wonderful stairs. It's always dissapointing to meet the occasional smoker, a situation that seldom happens in Seattle parks, where smoking is banned. I hope Shoreline will soon follow the lead of Seattle Parks and Recreation. Thanks for considering a ban.
Would it include the Interurban Trail? That would be terrific, as it is awful to be running along the trail and get a face full of smoke. Thank you for considering this.
Tobacco use, especially cigarettes, are incompatible with public spaces, and parks in particular. Even if the open space is enough to somewhat dissipate the health consequences of second-hand smoke, it's an unpleasant smell that is the opposite of what we should expect to have in a park. Smokers, almost without exception, just drop their cigarette butts and step on them to put them out, leaving the unsightly stub behind, creating litter that more civic-minded users, and paid employees have to clean up. The filters seem to last forever, and carelessness in extinguishing the butts could have consequences, especially during the drought days of summer.
This is long over due in my opinion. So many times I've been at baseball games where people smoke. They usually step away from the majority of the crowds, but still want to see the game. I hope this passes. If so, how will it be enforced? Thank you.
There are many children with their parents, members of teams, etc. in our parks. The less they see the example of adults smoking, and experience second hand smoke, the BETTER!
I would strongly support tobacco-free parks! Thank you!
About time!

I would like to see tobacco free parks and open spaces everywhere! I think it is very advanced of Shoreline to be working towards this! I live in Seattle. There was supposed to be a rule in Seattle that people could not smoke within a certain number of feet from bus stops and windows and doorways of buildings. Smokers are constantly violating that rule, which is very disconcerting for me, as I am highly allergic to cigarette smoke. I hope people will honor your non-smoking rule in parks and I look forward to it and hope you pass that rule and become a leader in supporting healthful living!

those using parks to enjoy the outdoors and physical activity should not have that experience impacted by another's choice to use tobacco. Thanks for considering this forward-thinking proposal!

Thank You for inviting input. □

I have partnered with a Service Dog.

I have asthma.

Because my dog needs exercise, I frequent a number of our Parks, "Off Leash" and "regular" (parks where I keep my dog on a leash)

I have observed a number of puppies and young dogs (who are as curious as human children, and, as human children, tend to put everything into their mouth) ingest cigarette butts. That will lead to a very upset stomach and a trip to the Veterinarian.

For me, a faceful of smoke, leads to a coughing spell, that is not what I expect from a walk in the great outdoors.

Thank You. Ms GMW & Bailey, SD

Smokers have the idea that smoking outside is OK. For a non-smoker, especially those with allergies to smoke, it's not OK. Smoking should not be allowed in parks or sports fields that are for public use, including children.

It would be so lovely to be able to enjoy the fresh air and the beauty of our great Shoreline Parks without the nasty smell of cigars and cigarettes.

Cigarette smokers are putting drugs into my body and my families body legally, but without permission from us. This should be huge concern for public health overall.

There should be no right of people to smoke on city owned property, inside or outside. Allowing smoking in public is as crazy and unhealthy as allowing someone to bring a hose and spray carbon monoxide and ammonia around people. Do kids have a choice in the matter when they are at a park and an adult is smoking near them? And the cigarette butts in the play areas...? Are you kidding me?

I am thrilled and so very impressed that the City of Shoreline may help us all to make our city healthier with this proposal. Thank you, thank you, thank you!

This is a very good idea--as a mom with a young child, I would very much appreciate such a policy.

This is the best idea ever! I would love to be able to go to a park without having to fill my lungs with needless smoke.

**SMOKING CREATES AIR POLLUTION/DON'T LIKE SMELLING SMOKE**

I recently moved from Shoreline, but my children still go to school in Shoreline and we are so impressed with your park system that we continue to use them regularly. I also play soccer in the Co-Rec league and we play many games at your fields - often there are people smoking outside the field and near the turf. It would be pleasant to play soccer and play with my children without the air pollution and the garbage that results when people smoke.

The smell of tobacco is horrible. I often have to move away from smokers even in outdoor areas. Smoking is like defecating in the air.

I lived in Shoreline area for 30 years and only in the past 5 years moved. It would be lovely to be able to go to the park without having to smell cigarette smoke.

Smoking is disgusting, second-hand smoke as been proven to cause harm, it stinks and smokers somehow feel that throwing their butts on the ground doesn't constitute littering. Parks are for the enjoyment of everyone and it shouldn't be spoiled by someone smoking cancer sticks.

There are 590 cities and municipalities that are smokefree in the USA and 6 within the State of Washington. Parks are a place for family recreation and by making these venues smokefree, children will not be exposed to the images and toxins that is caused by smoking. □  
Besides the quality of life issue for park visitors, the leading cause of litter would be eliminated and at the same time eliminate the possibility of an infant or wildlife ingesting the toxic cigarette butts on the ground.

If someone is smoking near me I have to leave. Allowing smoking in public spaces such as parks means others who don't smoke either can't participate in the public space or accept the health risks of second hand smoke.

Parks are for children and families. Children should not be exposed to second hand smoke.

To whom it may concern,

I think this is an excellent idea, and I am hopeful it will be adopted.

Parks are a community resource - and in particular they are a resource that is utilized a great deal by families and kids.

People have a right to smoke. However, a right to do something is no longer a right when it infringes upon the rights of others. Tobacco smoke is carcinogenic. If someone wants to breathe a known carcinogen in their own environment, I'm OK with that. However, that does not mean they have the inherent right to expose my children and I to a known carcinogen at their leisure; Doing so infringes on my (and my children's) right to breathe non-carcinogenic air. The right to smoke, therefore, ought to be void in places where non smokers (and children) are present.

Thank you for taking this under consideration.

Kevin Atkinson

Keeping the air clean allows more people (and living things in general) to enjoy the park. We all like a deep breath of fresh air :)

<p>I hate smelling it!!!!!!!!!! Even in parks the wind carries it to you.</p>
<p>Parks are for adults and children to enjoy the outdoors. Other peoples smoke does not enhance that enjoyment it detracts.</p>
<p>No cigarette butts, smoke, smell - sounds great to me!</p>
<p>There is nothing worse then to be enjoying the outdoors and have a smoker ruin it with the smell of their smoke".</p>
<p>My name is Zach and I am 8 years old. I do not think smoking is a good idea. When I smell smoke, I want get away. I don't like the smell.</p>
<p>Sometimes my kids and I have chosen to leave the play area at parks because someone was smoking near by and the smell bothered the kids. I don't think this is fair to the children. We've also been at ball games where someone in the stands was smoking right in the middle of the crowd. I really appreciate those smokers who choose to step away when they are smoking but unfortunetly, not all smokers are respectful of those around them. It is really disruptive and I've had to move away.</p>

**BAN WILL CREATE CLEANER PARKS**

Also leads to cleaner parks as smokers would not be dropping their cigarette butts on the ground. Cleaner parks means SAVING TAX DOLLARS cleaning parks.

Most smokers generally litter their surroundings with cigarette butts on the ground rather than placing in appropriate garbage cans. That's just the sad reality.

It would keep down the cost of picking up all those cigarette butts.

the shoreline parks are nice and i enjoy visiting them. the parks would be generally cleaner (no butts, no wrappers, no globs) if tobacco were prohibited. if opinion counts only with financial contribution: i don't pay property taxes to the city of shoreline or vote there, but i do pay federal, state, sales, excise, library, county and school district taxes, as well water district charges...

anything we can do to prohibit smoking or second hand smoke from our being inhaled by our children is something we should tackle. Also, smokers notoriously drop their cig. butts on the ground. We do not want this littering and we certainly don't want fires to start as a result of this carelessness.

As a member of Shoreline UU Church, and co-chair of our Green Justice Group, I have participated in many Park Walks and Cleanup Projects where we spend a lot of time picking up ciggarett butts and other debris from the use of tobacco, which we need to take action to prevent people from dropping in our Parks (like Ronald Bog and Twin Ponds.)

If smokers would clean up after themselves, I would probably say they should be able to smoke outside. But they don't clean up their mess, and their butts are everywhere.

My son and grandson live in Shoreline and I live in Lake Forest Park it is still 2nd hand smoke when you have to pass by someone smoking. Why isn't it a litter issue to throw down your butts of what you have been smoking?

**CONCERNED WITH ENFORCEMENT ISSUES**

It's a great idea to have tobacco-free parks, but enforcement could prove difficult and costly. For example, signs are clearly posted that require dogs to be leashed, yet every dog we pass when we go to Shoreline Parks with leashes required, are not on a leash. Enforcing a tobacco ban would likely be no different.

I think this is a good idea but it may be impossible to enforce and costly to put up signs.

Lets don't tie up our valuable police officers time enforcing this law. Let the citizens duke it out then the police can be called to break up the fight. This law will probably work as well as the one that prohibits teens from smoking around the schools.

Don't do it on my behalf. I don't even remember seeing someone smoke in one of our parks in ages so it can hardly be an epidemic. It sounded like a silly law when Seattle enacted it and it will be even sillier in Shoreline.

Why is it necessary? What problem does it solve that public ashtrays (like they seem to have in every other country but ours) wouldn't do better? Using tobacco is legal and the state gets a ton of taxes from it. There's even now a call for making marijuana legal. Would this law be amended to include it if it was or would it be left off since supposedly marijuana does not have the same health risks? Smoking outside is the last socially acceptable place to do so. For all the law lists the use of tobacco products, we all know cigarette smokers will be the only targets. This law is just a sanctimonious example of tyranny by the majority -- it solves no problem, only makes a judgement on a small group of people. Next are you going to start telling us that only fit people may use the parks?

Actually, I do know the answer to my first question. The only reason Shoreline is considering this law is that it is a no-cost bullet point to put under a no-meaning city council goal that has been added to the list because other cities have done it and it makes the city and council look like they are accomplishing something with very little effort.

So my challenge to Shoreline is this: If you are going to enact a law, be serious about it. A law should be enforced so I expect to see money for enforcement attached to the law when it is adopted. And it should be enforceable for all tobacco products. Besides big signs in the park, each park should have a park ranger who is a deputy of King County Sheriff's Office.

The main reason I would support this is that cigarette butt litter is really disgusting and detracts from the beauty of our parks. However, from a practical perspective I don't see how it would be possible to enforce it.

How do you propose enforcement? The city can not even enforce animal control in city limits, the parks are just full of pet droppings. Where is the money for signs coming from? Maybe designated smoke areas? Possibly a more mindfull approach to this , what next, maybe the city should just outlaw people from the parks, sure would save on maintainance fees. Nearly 30 parks in Shoreline, the city is barely holding it's own financially. I do feel smoking is very bad, should not even be legal, however it is. There are much more important issues, Why not ban picnics in parks also, the way it appears is the city is just another business that rents out it's facilities to it's residents whom also pay for it to operate. Enough said. Shoreline, a nice place to call home, lets not ruin it.

My question is: How would such a policy be enforced? If I asked someone to stop smoking, the reply might not be at all pleasant. Where I would particularly like to see smoke-free zones is on the grounds of all athletic/sports areas: such as socker fields, tennis courts, etc. And smoke-free children's play areas. We ALL deserve smoke-free zones. Where people gather in public places smoking should be eliminated. Smokers can do what they want on city streets and in and around their homes. Let the rest of us not be subjected to second hand smoke. Thank you for taking this on!

I think the expense of enforcing this law and animosty it would foster between non-smokers and smokers makes it a no go for me.

Paragraph 1 of this survey's introduction states creating "tobacco-free zones" which to me implies cordoning-off a section of park for smokers. Paragraph 2, however, talks of "prohibiting smoking and tobacco use in Shoreline parks". Which is it? Also, I am all for eliminating tobacco use in parks but how would this be enforced?

All you will create is an enforcement problem. I would rather see police time spent on actual crime.

Once enacted, violators should be required to pick up a pound of cigarette butts on a saturday morning.

Who will enforce this?

I would be for enforcing these smoking bans in parks, but as we all know the police are not going to enforce it. The Prosecutors in th City of Shoreline have too many other crimes and infractions to deal with. Law enforcement agencies do not enforce the tobacco laws on the books now. Although the fine is \$205, King County Sheriffs Department does not want Deputies to enforce the fine.

How can this be enforced. It's open air and not a confined area. I don't smoke and don't like tabacoo products, but honestly this is something that can't and won't be enforced like the pooper scoper law.

**BAN SHOULD BE LIMITED TO PLAYGROUNDS/FIELDS**

I don't currently smoke but I used to. I think that tobacco on playing fields and playgrounds should ABSOLUTELY be off limits. I don't want people smoking around my kids and I never did.

In areas that are not ball fields, courts, or playgrounds, I don't really have a problem with it. But not around the kids.

And smokeless tobacco I could really care less about because there isn't second hand smoke to contend with. And there is also no litter created by it.

I am not a smoker and I don't like being around people when they're smoking. I understand the risks of second-hand smoke and naturally the risk to smokers/users. This might sound weird but, we've taken away smoking in restaurants, bars, the workplace, to name a few. Where are smokers allowed to smoke anymore besides the comfort of their home (maybe?. I think in an open air park smoking could be allowed. I would like to see there be a 25 or 50 foot (or further) smoke-free radius around playground equipment, picnic areas, and grandstands/sports field side-lines, however.

I might agree to banning smoking in areas of the park that are used mostly by children such as play areas. Other than that I think we are going overboard. It is outdoors and the parks belong to everyone.

Cigarettes litter our streets, and parks.

I would welcome restrictions on tobacco-usage in public spaces.

But to be fair to everyone (more conciouuos smokers), creating smoking areas in a park might be a good idea.

A total ban is way too much government intrusion on the use of a legal product. Yes, enforce the littering laws. Prohibit smoking in and around the park play areas and in the bleachers at sporting events. Do not totally ban the use of tobacco products in the parks. That is too heavy-handed, oppressive and a waste of taxpayer dollars to try to enforce.

As a long-time user of Hamlin Park, I have long noted the inability of both King County and later Shoreline city adequately to "enforce" existing leash and clean-up laws for dog owners. I can't imagine that a prohibition of tobacco products would be enforced, either.

I am occasionally irritated by the odor of cigarette smoke in Hamlin (and not uncommonly a bit of MJ!) and have always hated cigarette butts on the ground, but overall, it kind of seems to me a bit more of an intrusion than is warranted.

Maybe eliminating smoking from "Children's Play Areas and Ball Fields" within Shoreline parks would be beneficial, and possibly enforceable, but everywhere in parks such as Hamlin seems to be a bit of over-reach: it just would not be enforced and therefore would result in yet another example of cheapening laws in general by having on the books specific laws that are not adequately enforced.

Limit smoke within 50' of playground and sports fields

This is most important in the areas of the park where the kids are. There is nothing worse than going to the park with the kids and having to breathe in smoke. If a total ban won't work, at least put in smoking areas so the smokers are easy to avoid.

I am in favor of no smoking near softball fields and other areas where many people would be close together.

I don't like the idea of making whole parks into no smoking areas.

1. It might discourage people from getting exercise or taking their children to the park.
2. It makes lawbreakers of otherwise law abiding citizens.
3. We shouldn't have any more laws than we truly need.

### **OTHER OPTIONS**

I would rather see a ban on littering - but there already is a rule against littering and a lot of parks have a lot of trash. Why not put out trash cans or ashtrays near where people smoke or encourage people to put their butts in the trash. This I would support.

If not totally tobacco-free, how about small "smoking areas" away from heavily used areas?

I think Samantha Bee said it best when she said, " Do you know what else inhibits my enjoyment of this park? T his giant undulating pile of human sorrow. I have to go home at the end of being in this park and scrub myself with a metal bar-b-que brush to get all the sadness off. Are you f\*ing kidding me? Smoking? Smoking?"

<http://www.thedailyshow.com/watch/mon-june-20-2011/new-york-city-outdoor-smoking-ban>

We have better things to do that are potentially enforceable. Ban littering, and enforce that, if cigarette butts upset people. If you can't enforce the littering, how exactly are you going to enforce this issue?

While I do not smoke, I do have concern that we are essentially leaving few places for smokers to go - no smoking indoors anywhere, can't be outdoors near businesses or building entrances, no city parks, etc. I worry that we are going to push smokers into confined places where they will impact others - such as smoking in homes or in cars with children present, etc. for lack of other options.

As much as I detest cigarette smoke, there are folks who will smoke no matter what. So whatever choices are made, I think consideration needs to be made not just for where folks \*can't\* smoke, but where they \*can\*.

I am super-sensitive to cigarette smoke, so have to move away or completely leave an area if someone is smoking. I'm not sure that a complete ban is the answer though I personally like that idea.

Campfires and barbecues produce smoke. Those who don't care for that smoke can move a little and avoid it. The great outdoors tends to be sufficiently ventilated to allow those who use tobacco plenty of room for it all to dissipate.

**ALCOHOL SHOULD BE BANNED TOO.**

The parks should definitely be smoke-free areas to enjoy the fresh air! I'm tired of picking up cigarette butts in the woods and parking lots because people believe that these areas can be used as ashtrays when they visit. This policy aligns with the City of Shoreline's "Healthy City Strategy" policy currently in place. Council was previously briefed on a proposal to allow programmed use of alcohol in Shoreline Parks. The use of alcohol by permit DOES NOT align itself in any way whatsoever with the "Healthy City" initiative. How do you explain to your child or teen that smoking is not allowed, but alcohol is allowed by permit in parks. That sends a mixed message. Also, permitting the use of sanctioned alcoholic events does not align itself with the principles of Parks, Recreation and Cultural Services. In addition a check of neighboring municipalities will reveal that the revenue generated by programmed use of alcohol does not offset the associated costs, align with the societal benefits of open space programming and recreation. Further review of the proposal finds that at no time, would the citizens of Shoreline be aware of permissions granted to consume alcohol in a park such that they could make a positive recreational choice. Tobacco and Alcohol must remain off limits in Shoreline Parks and Open Spaces.

# Attachment C

## ORDINANCE NO. 630

### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ESTABLISHING TOBACCO USE REGULATIONS IN ALL SHORELINE PARK AREAS

WHEREAS, the City of Shoreline has the authority to regulate park facilities, as defined in Shoreline Municipal Code Chapter 8.12, to promote the health, public safety, and general welfare of park users; and

WHEREAS, the Shoreline City Council adopted a Healthy City Strategy Work Plan for Shoreline in September 2011 that included a strategy goal of establishing a tobacco-free zone in all of Shoreline's parks and public sites; and

WHEREAS, Shoreline's parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS, allowing smoking and tobacco use in parks, playgrounds, beaches and ball fields that are seen as 'health-promoting environments' can send a message to children, youth and other adults that using tobacco products is consistent with a healthy environment and a healthy lifestyle; and

WHEREAS, studies have shown that children and youth that have been exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS, smoking and tobacco use in parks has resulted in litter of cigarette butts, cigar butts and other tobacco-related waste, which studies have shown can cause environmental damage to our parks and can pose a health risk to children and animals; and

WHEREAS, the City Council received testimony from a representative of Public Health – Seattle and King County that smoking and tobacco use causes almost 2,000 premature deaths in King County each year; and

WHEREAS, some of this 'human cost' of smoking is related to second-hand smoke, and even outdoors, second-hand smoke can have serious health consequences for non-smokers.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. New Section.** A new section, Section 8.12.395, *Tobacco use in parks*, is hereby added to Article III of Chapter 8.12, *Rules Governing Use of Facilities – (Part I)*:

**8.12.395 Tobacco use in parks.**

No person shall use tobacco in any park area. Tobacco use includes the smoking or lighting of cigarettes, cigars, or pipe tobacco, or the use of smokeless or chewing tobacco.

**Section 2. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

**ADOPTED BY THE CITY COUNCIL ON MARCH 26, 2011.**

\_\_\_\_\_  
Mayor Keith A. McGlashan

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott Passey  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

Publication Date:

Effective Date: