

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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

PROBLEM/ISSUE STATEMENT:

On March 19, the City Council reviewed the results an online survey regarding tobacco use in City parks and reviewed Ordinance No. 630, which proposes to codify tobacco use regulations in Shoreline parks. For reference, the March 19 staff report may be accessed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2012/Staffreport031912-8a.pdf>.

At the March 19 meeting, Council provided direction to staff to bring back the original Ordinance No. 630, which proposes an outright prohibition of tobacco use in all Shoreline park areas, and an alternate Ordinance No. 630, which proposes to prohibit tobacco use in particular areas of Shoreline parks. These areas were identified by staff as areas that have high concentrations of park patrons and are areas where youth and children congregate in the park system. Both ordinances are attached to this staff report.

ORDINANCE AMENDMENTS:

At the Council meeting on March 19, Councilmembers made a couple of recommendations to staff regarding the proposed language in the originally proposed Ordinance No. 630. One suggestion regarded the second 'Whereas' statement in the recitals section of the ordinance, and the other regarded the use of the term 'smokeless tobacco' in the proposed code language. To address these recommendations, staff has amended the second 'Whereas' statement to make the language less confusing, and has also removed the term smokeless tobacco from the proposed code language, as it was duplicative of the term chewing tobacco, which was already stated. These proposed changes have been highlighted using tracked changes in the original Ordinance No. 630 (Attachment A).

ALTERNATE ORDINANCE:

Also at the March 19 Council meeting, some Councilmembers directed staff to draft an alternate Ordinance No. 630 for Council review. This alternate ordinance, Attachment B to this staff report, proposes to prohibit tobacco use in particular areas of Shoreline parks. These areas, which were identified by staff as areas that have high concentrations of park patrons or are areas where youth and children congregate in the park system, include

playgrounds, ball fields, skate parks, beaches, restrooms, picnic shelters and bleacher seating areas. Also at Council direction, no distance perimeter, such as a “25-foot rule”, was placed in the alternate ordinance. This has the effect of making it technically legal to use tobacco products next to these areas, just not in them. Staff anticipates that this may lead to some enforcement confusion.

In addition to this enforcement concern, staff also has concerns about the alternate ordinance as it regards park signage. It will be more difficult to communicate this more complicated regulation on park signs, and it will also require more park signs at more park sites to appropriately communicate where parks patrons cannot use tobacco products. Although the budgetary impact of this will be minimal, it could impact how effectively this proposed park rule is communicated.

Furthermore, one of the reasons that staff is strongly supportive of an outright prohibition of tobacco use in all park areas is that tobacco use can send a mixed-message to children and youth that tobacco products are consistent with a healthy environment and lifestyle. Given that children and youth don’t just stay in designated park areas to play and recreate, exposure to tobacco use in other park areas can have this same effect.

COUNCIL GOAL ADDRESSED:

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

RESOURCE/FINANCIAL IMPACT:

There is a very minimal fiscal impact to establishing tobacco free parks in Shoreline. If either version of Ordinance No. 630 is adopted by the City Council, City resources used to enforce the regulations would be spent on posted signage in parks and on educating current law enforcement and parks officials. 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:

Staff recommends that Council adopt the originally proposed Ordinance No. 630, which would prohibit all tobacco use in all Shoreline park areas.

ATTACHMENTS:

A: Proposed Ordinance No. 630

B: Proposed Ordinance No. 630 - Alternate

Approved By: City Manager ____ City Attorney ____

Attachment A

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~~ making all of Shoreline's parks and public sites 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:

Attachment B

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 making all of Shoreline's parks and public sites a tobacco-free zone; 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 playground, ball field, skate park, beach, restroom, picnic shelter or bleacher seating area. Tobacco use includes the smoking or lighting of cigarettes, cigars, or pipe tobacco, or the use of 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.

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