

ORDINANCE NO. 2014- _____

AN ORDINANCE OF THE CITY OF AMERICAN CANYON AMENDING CHAPTER 12.04 TITLED "PARK AND RECREATION AREA USE REGULATIONS" ADDING SECTIONS 12.04.230 TOBACCO USE IN CITY PARKS AND SECTION 12.040.231 TOBACCO USE IN CITY PARKS – ENFORCEMENT

WHEREAS, the City Council finds that numerous scientific studies and data have suggested that secondhand tobacco smoke is a major cause of disease, including lung cancer, in non-smokers, with a heightened risk to the elderly, individuals with cardiovascular disease, and individuals with impaired respiratory function including asthmatics and those with obstructive airway disease; and

WHEREAS, the United States Environmental Protection Agency has classified secondhand tobacco smoke as a class A carcinogen known to cause cancer in humans; and

WHEREAS, in early 2006, following a comprehensive four year study the California Air Resources Board declared secondhand smoke a toxic air contaminant, which has been linked to 400 additional lung cancer deaths a year in non-smokers, 3,600 fatal heart attacks and 31,000 asthma attacks in children; and

WHEREAS, the list of health hazards associated with breathing secondhand tobacco smoke includes lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and bronchospasm; and

WHEREAS, nonsmokers with allergies, respiratory ailments and others who suffer the ill effects of breathing secondhand smoke may experience a loss of job productivity or miss work because of the ill effects of tobacco on their health and higher costs to employers may result due to an increase in absenteeism, accidents, the cost of medical care, and loss of productivity; and

WHEREAS, in addition to these health hazards, smoking and the improper disposal of cigarettes is a documented environmental and fire hazard; and

WHEREAS, smokeless tobacco is not a safe alternative and causes its own share of death and disease including lung, larynx, esophageal, and oral cancer; and the regular use of snuff doubles the users risk of cardiovascular disease and death; and

WHEREAS, electronic cigarettes and similar nicotine delivery devices are not safe alternatives to smoking, of which the full health impacts are not completely known, although at minimum, the same adverse health effects from smoking are apparent; and

WHEREAS, the City Council hereby finds that smoking in public parks and associated facilities is a positive danger to health, and that prohibiting smoking in parks is thus necessary to preserve the public safety, health and welfare; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Sections 15301, 15304 and 15307 of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended (“CEQA”), because the adoption of smoking prohibited in all parks will not have a significant effect on the environment and therefor such action is exempt from CEQA review.

WHEREAS, a public hearing was held by the City Council of the City of American Canyon on June 3, 2014 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with a recommendation by the Parks and Community Services Commission of the City of American Canyon.

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE PEOPLE OF THE CITY OF AMERICAN CANYON DO ORDAIN AS FOLLOWS:

SECTION 1

Chapter 12.04 of the American Canyon municipal Code titled “Park and Recreation Area Use Regulations” is hereby amended by adding new section 12.04.230 to read as follows:

Chapter 12.04 PARK AND RECREATION AREA USE REGULATIONS

12.04.230 Tobacco use in City parks

In City Parks and Recreation Facilities, the use of tobacco products including but not limited to cigarette smoking, use of electronic cigarettes or similar nicotine delivery devices and use of smokeless tobacco is prohibited. Parks and Recreation Facilities is defined as parks, landscaped trail areas, landscape areas proximate to recreation facilities including the Philip West Aquatic Center, Senior Multiuse Center, Recreation Center, Community Gym and any other similar facilities.

In addition to common Municipal Code violation practices, violators of this chapter shall be referred to a local anti-smoking program.

The parks and Recreation Director may authorize the creation of designated smoking areas for events lasting longer than four hours.

SECTION 2

Chapter 12.04 of the American Canyon Municipal Code titled “Park and Recreation Area Use Regulations” is hereby amended by adding new section 12.04.231 to read as follows:

Chapter 12.04 PARK AND RECREATION AREA USE REGULATIONS

12.04.231 Tobacco use in City parks - Enforcement

Pursuant to American Canyon Municipal Code Section 1/24/010 violation of tobacco use in city parks constitutes an infraction unless such violation is specifically designated. (Ord. 2013-08 2, 2013)

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
on the _____, of _____ 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

**Leon Garcia, Mayor
City of American Canyon**

ATTEST:

Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:

William D. Ross, City Attorney

**NAPA COUNTY
TOBACCO EDUCATION PROGRAM**

**SMOKE FREE PARKS
PUBLIC OPINION SURVEY**

CALISTOGA

EVALUATION REPORT

1-E-8

2015

RESULTS

The results are based on 244 total completed surveys.

Do you feel that tobacco litter in public parks is harmful to the environment?		
	N	%
Yes	236	96.7
No	8	3.3
Total	244	100

Do you feel that tobacco use in public parks is harmful to your health or the health of your family?		
	N	%
Yes	230	94.3
No	14	5.7
Total	244	100

Do you feel that the use of e-cigarettes in public parks is harmful to your health or the health of your family?		
	N	%
Yes	200	82.0
No	44	18.0
Total	244	100

Would you support a policy to make Calistoga's public parks smoke free?		
	N	%
Yes	211	86.5
No	33	13.5
Total	244	100

Would you support a policy of designated smoking areas in Calistoga's parks?		
	N	%
Yes	163	66.8
No	81	33.2
Total	244	100

DISCUSSION AND CONCLUSIONS

The foregoing tables lead to the following conclusions:

- A random and representative sample of Calistoga residents was surveyed at a variety of locations in the town.
- 96.7% of the respondents felt that tobacco litter in public parks is harmful to the environment.
- 94.3% of the respondents felt that tobacco use in public parks is harmful to their health or the health of their family.
- 82.0% of the respondents felt that e-cigarette use in public parks is harmful to their health or the health of their family.
- 86.5% of the respondents would support a smoke free policy in Calistoga public parks.
- 66.8% of the respondents would support a designated smoking area in Calistoga public parks.
- 11.9% of the respondents were current smokers.
- 15.2% were former smokers.
- 46.3% of the respondents were male and 53.7% were female.
- 38.5% were white, 52.0% were Latino, 2.5% were African American, 2.5% were Asian American or Pacific Islander, and 4.5% identified as “other.”

APPENDIX I

CONDADO DE NAPA

ENCUESTA DEL PROGRAMA DE EDUCACION DE TABACO

2015

¿Le importaría contestar algunas preguntas sobre el uso de tabaco en los parques públicos de Calistoga?

Gracias.

PREGUNTA	SI	NO
¿Cree usted que la basura de tabaco en los parques es dañina para el medio ambiente?		
¿Cree usted que el uso de tabaco en parques públicos es dañino para su salud y la de su familia?		
¿Cree usted que el uso de los cigarrillos electrónicos en parques públicos es dañino para su salud y la de su familia?		
¿Apoyaría un mandato para que los parques de la ciudad de Calistoga fueran libres del humo de tabaco?		
¿Apoyaría un mandato con áreas designadas para fumar en los parques públicos de Calistoga?		
¿Es usted un fumador?		
¿Es usted un exfumador?		

MASCULINO FEMENINO

BLANCO LATINO AFRICOAMERICANO ASIATICO OTRO

Parks Objective Screener Intercept Survey 2015

To the Volunteer--

There are **two** screening questions you must ask of each subject (intercepted):

- 1. “Are you 18 years old or older”?**
- 2. “Are you a resident of Calistoga”?**

If the subject answers **no** to **either** question, you say:

“Thank you very much, but you are not needed for this survey.”

If the subject answers **yes** to both questions, you hand the subject the clipboard (with the survey form attached) and a pencil. You say,

“Could you please take just one minute to complete this short survey about tobacco use in the parks in Calistoga.”

You wait near the subject until he or she has completed the survey and hands the clipboard back to you. You say:

“Thank you very much for your participation. This will help the City of Calistoga make better public policy.”

NOTE: If the subject asks you—either before or after the survey—what the survey is about, you say,

“This survey is funded by the State of California and the Napa County Tobacco Education Program. The purpose of the survey is to determine the attitudes of citizens of Calistoga regarding tobacco use in the city’s public parks. The information might be used to present to the city council to help determine public policy in the future.”

List of Locations for Intercept Surveys

- Pioneer Park
- Logvy park
- Calistoga Library
- Post Office
- Fairgrounds (Relay for Life Event)
- Calmart
- Farmer's Market
- Bank