

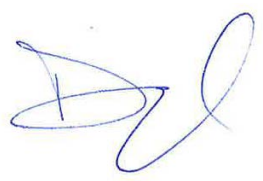
# City of Calistoga

## Staff Report

**TO** Honorable Mayor and City Council  
**FROM** Dylan Feik, City Manager  
**DATE** November 1, 2016  
**SUBJECT** Second Reading of Ordinance No. 724 Amending Chapter 12.24 titled "Park Rules and Regulations" by adding new sections to the Calistoga Municipal Code Chapters 12.24.040 Tobacco Use in City Parks and 12.24.041 Tobacco use in City Parks – Enforcement, also including parking lots and parking spaces attached to public parks.

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APPROVAL FOR FORWARDING:



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Dylan Feik, City Manager

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- 1 **ISSUE:** Consideration of an ordinance amending Chapter 12.24 titled "Park Rules and
  - 2 Regulations" by adding new sections to the Calistoga Municipal Code Chapters
  - 3 12.24.040 Tobacco Use in City Parks and 12.24.041 Tobacco use in City Parks –
  - 4 Enforcement, also including parking lots and parking spaces attached to public parks.
  - 5 (Second Reading)
  - 6 **RECOMMENDATION:** Adopt Ordinance No. 724 as submitted
  - 7 **BACKGROUND:** On October 18, 2016, following a public hearing, the City Council
  - 8 introduced and waived the first reading of the attached ordinance.
  - 9 **ATTACHMENT**
  - 10 1. Ordinance No. 724

**ORDINANCE NO. 724**

**AN ORDINANCE OF THE CITY OF CALISTOGA AMENDING CHAPTER 12.24 TITLED  
“PARK RULES AND REGULATIONS” ADDING SECTIONS 12.24.040 TOBACCO USE  
IN CITY PARKS AND SECTION 12.24.041 TOBACCO USE IN CITY PARKS –  
ENFORCEMENT – INCLUDING PARKING LOTS AND PARKING SPACES ATTACHED  
TO PUBLIC PARKS**

**WHEREAS**, there are 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

37 completely known, although at minimum, the same adverse health effects from  
38 smoking are apparent; and

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

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

47 **WHEREAS**, a public hearing was held by the City Council of the City of  
48 Calistoga on October 18, 2016, after due notice was given as required by law, at  
49 which time oral and documentary evidence was introduced to the City Council of  
50 the City of Calistoga; and

51 **WHEREAS**, the City Council has considered all information related to this  
52 matter, as presented at the public meeting of the City Council identified herein,  
53 including any supporting reports by City Staff, and any information provided  
54 during public meetings, including the addition of “also including parking lots and  
55 parking spaces attached to public parks”.

56

57 **THE PEOPLE OF THE CITY OF CALISTOGA DO ORDAIN AS FOLLOWS:**

58

59 **SECTION 1**

60 Chapter 12.24 of the Calistoga Municipal Code titled “Park Rules and  
61 Regulations” is hereby amended by adding new section 12.24.040 to read as  
62 follows:

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64 **12.24.040 Tobacco use in City Parks**

65 In City Parks and Recreation Facilities, the use of tobacco products including  
66 but not limited to cigarette smoking, use of electronic cigarettes or similar  
67 nicotine delivery devices and use of smokeless tobacco is prohibited. Parks and  
68 Recreation Facilities is defined as parks, landscaped trail areas, landscape areas  
69 proximate to recreation facilities including the Calistoga Community Pool,  
70 Calistoga Community Center, Monhoff Center, Pioneer Park and any other similar  
71 facilities, also including parking lots and parking spaces attached to public parks.

72

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

75  
76 The parks and Recreation Director may authorize the creation of designated  
77 smoking areas for events lasting longer than four hours.

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79 **SECTION 2**

80 Chapter 12.24.041 of the Calistoga Municipal Code titled "Park and  
81 Recreation Area Use Regulations" is hereby amended by adding new section  
82 12.04.241 to read as follows:

83  
84 **Chapter 12.04 PARK AND RECREATION AREA USE REGULATIONS**

85  
86 **12.04.041 Tobacco use in City parks - Enforcement**

87 Pursuant to Calistoga Municipal Code Section **12.24.040** violation of  
88 tobacco use in city parks constitutes an infraction unless such violation is  
89 specifically designated.

90  
91 **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council  
92 on the \_\_\_\_\_, of \_\_\_\_\_ 2016 by the following vote:

- 93  
94 **AYES:**  
95 **NOES:**  
96 **ABSTAIN:**  
97 **ABSENT:**

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100 \_\_\_\_\_  
101 **Chris Canning, Mayor**

102 **ATTEST:**  
103  
104 \_\_\_\_\_  
105 **Kathy Flamson, City Clerk**