



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: December 1, 2009

SUBJECT: Amendment of Ordinance to Mandate No Smoking on Library
Grounds

Report in Brief

The single most consistent source of public complaint regarding the exterior library and grounds arises from the congregation of smoking adults at the foot of the initial entry stairs to the library. Since it is slightly beyond the existing 20 feet of door and operable window restriction, it is not technically a violation of any law or behavioral policy. Nonetheless, it is a source of concern as expressed by numerous library users, particularly parents of young children and elderly library users. Other nuisance behaviors such as soliciting/panhandling, abusive language, harassment, etc. are prohibited by library behavioral policy, and staff enforces compliance. Section 15-40 of the Woodland Municipal Code currently prohibits smoking at certain defined public places such as ball parks, swim centers, and city park facilities.

Staff recommends that the City Council introduce, waive first reading and read by title only an ordinance amending Section 15-40 of the Woodland Municipal Code to include the Woodland Public Library and the public property extending to adjacent sidewalks as facilities where smoking is prohibited; and authorize posting signs designating the facility as nonsmoking.

Background

In recognition of the public health and nuisance impacts of smoking, the Woodland City Council has approved actions to regulate, control and prohibit smoking in certain public areas. Section 15-40 of the Woodland Municipal Code currently regulates and prohibits smoking at public places including public parks. Article XI, Section 7 of the California Constitution authorizes cities to amend the existing code by Ordinance.

Library users, especially parents of young children and older adults, have registered complaints regarding smoking adults congregating at the foot of the initial library steps and creating an environment which is unhealthy, unsightly and unwelcoming. Although library staff consistently enforces the library behavioral policies, the physical area in question technically falls slightly outside of the legally defined 20' of doors and operable windows.

In response to this situation, the Library Services Director met with Chief of Police/Interim Parks and Recreation Director to discuss alternatives such as planting rose bushes and/or installation of stair tread undulations. After further review of these and other alternatives, it was determined that stronger measures would be needed to address the actual core of the complaints. Further discussion of the issue by staff, the Library Board and two members of the City Council generated the decision to propose an amendment to the Woodland Municipal Code that would include the Woodland Public Library grounds as a designated non-smoking area.

The Woodland Library Board of Trustees considered the issue at the October 1, 2009 regular meeting and voted unanimously to request the Woodland City Council to take administrative measures to prohibit smoking on library grounds.

Discussion

Adoption of the proposed ordinance to add the Woodland Public Library to the list of specifically defined public places where smoking is prohibited will mitigate the specific complaints regarding the congregation of adult smokers at the library entrance steps. In addition, the proposed ordinance will reinforce positive and healthy lifestyle choices as well as offer an entryway to the library consistent with the vision and mission of both the City and Library.

If the ordinance is adopted by the City Council, staff believes enforcement will be complaint driven and not generate sustained additional effort by the Police Department. The posting of signs and education of patrons who smoke by asking them to move the short distance away from the stairs and off the Library grounds will require some initial effort. However, people who use City parks where smoking is prohibited have become accustomed to the new regulations and enforcement of the ordinance on park facilities has no been a burden to the Police Department.

Fiscal Impact

There is no fiscal impact resulting from the action with the exception of the fabrication of regulatory signs for posting on the Library grounds. This expense is minor and will be funded within existing resources.

Public Contact

Woodland Public Library users have complained informally and formally regarding the congregation of adult smokers on the library grounds, particularly the entrance. Library staff has consistently enforced the no smoking requirement within 20 feet; however, the identified area is beyond the stated physical limitations. Some complaints have been received by elected and appointed officials including Woodland City Council members, Yolo County District 3 Supervisor and members of the

Woodland Library Board of Trustees. The City Attorney has drafted the proposed ordinance and the City Council agenda was posted.

Board/Commission Recommendation

The Woodland Library Board of Trustees considered the issue at the October 1, 2009 regular meeting and voted unanimously to request the Woodland City Council to take administrative measures to prohibit smoking on library grounds.

Recommendation for Action

Staff recommends that the City Council introduce, waive first reading and read by title only an ordinance amending Section 15-40 of the Woodland Municipal Code to include the Woodland Public Library and the public property extending to adjacent sidewalks as facilities where smoking is prohibited; and authorize posting signs designating the facility as nonsmoking.

Prepared by: Sandra Briggs
Library Services Director

Mark G. Deven
City Manager

Attachment: Ordinance of the City of Woodland Amending Section 15-40 of the Woodland Municipal Code Relating to the Regulation and Prohibition of Smoking at Public Facilities

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WOODLAND AMENDING
SECTION 15-40 OF THE WOODLAND MUNICIPAL CODE RELATING TO THE
REGULATION AND PROHIBITION OF SMOKING AT PUBLIC FACILITIES**

WHEREAS, scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas and kidneys; and

WHEREAS, the use of cigars is known to cause lung, larynx, esophageal, and oral cancer; and

WHEREAS, more than 440,000 people die in the United States from tobacco related diseases every year, making it the nation's leading cause of preventable illness; and

WHEREAS, the United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen; and

WHEREAS, state law prohibits smoking in playgrounds and within twenty feet of the main entrances and exits of public buildings and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, the City currently prohibits smoking in public parks; and

WHEREAS, the City wishes to extend this ban to include the library and its grounds;
and

WHEREAS, it is the intent of the City Council in enacting this ordinance to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of tobacco use near non-tobacco users, by protecting children from exposure to smoking and tobacco, by reducing the potential for children to associate smoking and tobacco with a healthy living lifestyle, and by protecting the public from smoking and tobacco-related litter and pollution;

The City Council of the City of Woodland does hereby ordain as follows:

Section 1. Purpose. The purpose of this Ordinance is to amend subsection (d) of Section 15-40 of the Woodland Municipal Code.

Section 2. Authority. The City Council enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

Section 3. Amendment. Subsection (d)(2) of Section 15-40 of the Woodland Municipal

Code is hereby amended to read as follows:

Sec. 15-40. Smoking.

(d) Prohibition Against Smoking in Certain Public Places. Smoking shall be prohibited at all times in the following public places:

(2) City facilities: Buchignani Ball Park, Clark Field, Camarena Ball Park, Community Swim Center, the Municipal Swim Pool, the Woodland Public Library, and any future outdoor city park facility operated primarily for youth events, as designated by the director of parks and community services. The prohibition on smoking at these facilities includes the facility and the public property on which it is located extending to the adjacent public sidewalk. All such areas and facilities shall be posted as nonsmoking.

Section 4. Effective Date and Notice. This Ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council of the City of Woodland this ____ day of _____, 2009, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Marlin H. Davies, Mayor

ATTEST:

Susan L. Vannucci, City Clerk

APPROVED AS TO FORM:

Andrew J. Morris, City Attorney