



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: December 15, 2009

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

Report in Brief

Library patrons, particularly parents of young children and elderly library users have expressed numerous complaints regarding smoking adults at the foot of the initial entry to the facility. Other nuisance behaviors such as soliciting/panhandling, abusive language, harassment, etc. are prohibited by library behavioral policy, and staff enforces compliance.

Staff recommends that the City Council adopt Ordinance _____ “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”. This regulation will 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 non-smoking.

Background

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.

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.

Discussion

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 not 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

Posting of the City Council agenda.

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 adopt Ordinance _____ “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”. This regulation will 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 non-smoking.

Prepared by: Sue Vannucci, Director of
Administrative Services

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