



**CITY OF MONROVIA
COMMUNITY SERVICES COMMISSION
AGENDA REPORT**

DEPARTMENT: Public Services

MEETING DATE: June 14, 2016

PREPARED BY: Katie Distelrath,
Recreation Manager

AGENDA LOCATION: AR-2

TITLE: Proposed Smoking Ban Ordinance

OBJECTIVE: To provide the Community Services Commission with the proposed Smoking Ban Ordinance.

BACKGROUND: At the September 15, 2015 meeting, City Council requested the Community Services Commission to work with staff to assess the feasibility of a smoking ban in City parks. During the October 13, 2015 Commission meeting, a subcommittee was formed to study the issue more closely. The subcommittee is comprised of Chair Matthews, Vice-Chair Yullie, Commissioner Hirsch and Council Member Spicer.

The subcommittee hosted a total of eleven public meetings to discuss the issue in addition to contacting various stakeholders to solicit their feedback and reviewing of significant amount of research related to the dangers of smoking / tobacco products to the overall well-being of the community.

The subcommittee met on November 4, 2015 to define the objective, identify stakeholders, discuss the process and set subsequent meetings. The committee determined the following analysis was necessary to establish an informed recommendation.

- Compile a list of the known health risks (direct and in-direct) related to tobacco use
- Assess what other neighboring agencies have adopted to ensure continuity in the San Gabriel Valley
- Define facilities that may be impacted should an ordinance be adopted
- Review existing and potentially new ordinance language
- Consider park signage and enforcement plans should an ordinance be adopted

In addition, the subcommittee believed it was important to be mindful of the process and ensure inclusion for all as well as study the various tobacco products such as e-cigarettes, vapes, chewing tobacco, etc. to minimize any oversight or loop holes.

The subcommittee met on December 2, 2015 to plan a Community Meeting and discuss the outreach methods related to the proposed meeting. A flyer was created and distributed to community partners, included in the City Managers weekly update, posted on social media, displayed in City facilities, and delivered by hand to park users.

AR-2

On January 27, 2016, a Community Meeting was held with approximately 30 members in attendance. The meeting was designed to gather information from stakeholders related to the proposed smoking ban. Several attendees spoke during the meeting to share information, relate personal stories, or voice their opinion on the issue. Most speakers at the meeting were in support of the proposed smoking ban and there were no members in attendance opposing the proposed smoking ban. Some attendees wanted to see the City take a stronger stand and ban smoking City-wide, others were hoping for bans in all public right-of-ways.

Following the Community Meeting, the subcommittee met on February 1, 2016 to debrief on the feedback. After some discussion, the consensus was to take a proactive step to engage the stakeholders who were not present at the meetings; specifically park users who smoke and tobacco based retail businesses. The subcommittee identified the specific businesses and park users and divided up the list to reach out and gather feedback.

On February 17, 2016 the subcommittee shared their findings as a result of the additional outreach. Some park users, who smoke, were not opposed to the ban; however, requested an area be identified where smoking would be allowed. Others were not opposed; however stated it would not stop them from smoking in the parks. The retail business owners who strictly sold tobacco and / or tobacco related merchandise were also not opposed to the ban; however, cautioned Staff related to how vapes would be addressed in any proposed ordinance.

The subcommittee was given several documents to help form their recommendation. Due to the volume of materials, a list of these references has been provided below. A complete packet can be made available as needed.

Documents provided and assessed during Proposed Smoking Ban research:

- Glendale Adventist Medical
 - Model California Ordinance Requiring a Tobacco Retailer License
 - Model California Ordinance “Plug In” Policy Options
 - LACDPH Monrovia Tobacco Youth Purchase Survey 2015
 - How Tobacco Affects Your Body
 - Dangers of Tobacco – Third Hand Smoke
 - ACS: Teens Like Different Forms of Tobacco and Nicotine
 - E-Cigarettes: 8 Things Everyone Should Know
 - E-Cigarettes Are Gateway to Substance Abuse and Addiction
 - Retailer Licensing Survey Report
 - Facts on Illegal Sales of Tobacco to Youth
 - How to Help Someone Quit Smoking
 - Letter – Support if a Tobacco Retailer Licensing (TRL) Ordinance
- LA County Department of Public Health
 - State Health Officer’s Report on E-Cigarettes
 - Addressing the Rising Prevalence of Electronic Cigarette Use in Los Angeles County
 - ALA: Local Policies on the Use and Sale of Electronic Cigarettes
 - ALA: List of Municipalities that Restrict Smoking in Recreation Areas
 - PHLP: Support for Smoke free Parks
 - Tobacco Control Ordinances in Los Angeles County
 - Change Lab Solutions – Comprehensive Smoke free Place Ordinance: A Model California Ordinance Regulating Smoking in Indoor and Outdoor Areas
- American Lung Association
 - State of Tobacco Control California Local Grades ’16

After much discussion the subcommittee developed an informed decision to recommend City Council move forward with establishing a ban on Smoking in City parks.

Throughout the process, factors for consideration were identified; however, were not a part of the current directive from the City Council. Should the Council choose to proceed with the smoking ban, the Commission is suggesting the following items also be considered.

- What are the boundaries of each park? Is it defined by the landscape, or curb? Should the parking lots adjacent to the parks be non-smoking as well?
- If an ordinance is adopted should it be considered an administrative fine allowing enforcement by the Park Rangers?
- The definition of the smoking devices and / or tobacco products should be considered to address the new and emerging products as well as smokeless tobacco products.

On March 15, 2016, on behalf of the subcommittee, Staff presented a summary of the research and findings to the City Council. The Council further directed the Commission to proceed with developing a proposed ordinance for Councils consideration.

ANALYSIS: Taking all of the research and suggestions into consideration, staff and the City Attorney developed a draft of Smoking Ban Ordinance. The draft ordinance includes research, definitions, code amendments, and enforcement. On May 31, 2016 the subcommittee met to review the draft ordinance. After consideration and discussion, a few suggested modifications were provided:

1. Change the draft ordinance to be more specific to Monrovia;
2. Simplify or combine some of the more expanded and technical “Whereas’s”;
3. Maintain all noted citations; and
4. Make it more approachable for the average individual.

Staff revised the draft as suggested and it is now ready for the Commissions consideration. After the Commission has reviewed the ordinance, it will come before Monrovia City Council for approval.

RECOMMENDATION: Staff recommends the Community Services Commission review, provided feedback, and recommend the draft Ordinance be presented to the City Council for consideration.

COMMISSION ACTION REQUIRED: If the Community Services Commission concurs, the appropriate action would be a motion to: ***Review, provided feedback, and recommend the draft Ordinance be presented to the City Council for consideration.***