



Staff Report

December 10, 2019

TO: Honorable Mayor and Members of the Town Council
FROM: Sean Rabé, Town Manager
DATE: November 12, 2019
RE: Second Reading of Ordinance 280, Adding Chapter 7.24 Prohibiting Smoking in Loomis Public Parks

Recommendation

Staff recommends the Town Council hold second reading and adoption of Ordinance 280, adding to Title 7 of the Loomis Municipal Code, Chapter 7.24 prohibiting smoking in Loomis public parks.

Issue Statement and Discussion

At the November 12, 2019 meeting Council approved first reading of Ordinance 280 with the amendment adding a cross reference as defined in Section 13.46.020 for Cannabis and adding a Cannabis related recital to the ordinance. As discussed during the October Council meeting, there are many health risks associated with exposure to secondhand smoke. A 2006 U.S. Surgeon General's Report concluded that:

- Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children.
- Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.

Secondhand smoke contains more than 7,000 chemicals. Hundreds are toxic and about 70 can cause cancer. In 2006, the California Air Resources Board classified secondhand smoke as a "toxic air contaminant" in the same category as asbestos, cyanide and arsenic – all of which can lead to serious illness and death.

According to a 2019 report from the American Non-smokers' Rights Foundation, there are 1513 municipalities in the United States with smoke free ordinances. Currently Placer County, the cities of Auburn, Lincoln, Rocklin and Roseville all have policies that prohibit smoking in parks.

CEQA Requirements

There are no CEQA implications associated with the recommended action.

Financial and/or Policy Implications

There are no direct financial implications to the recommended action, other than negligible signage costs for each of the Town parks.

Attachments

- A. Ordinance

TOWN OF LOOMIS

ORDINANCE NO. 280

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS ADDING TO TITLE 7 OF THE MUNICIPAL CODE, CHAPTER 7.24 PROHIBITING SMOKING IN LOOMIS PUBLIC PARKS

WHEREAS, for all of the reasons set forth herein, the Council of the Town of Loomis ("Town") desires to adopt this Ordinance prohibiting smoking in Loomis public parks within the Town; and

WHEREAS, tobacco use is the leading cause of preventable death and disease in the United States; and

WHEREAS, exposure to secondhand smoke has negative health impacts; and

WHEREAS, electronic smoking devices, more commonly referred to as electronic cigarettes or e-cigarettes typically contain nicotine, which is highly addictive, and their use: 1) closely resembles and purposefully mimics the act of smoking, 2) produces an aerosol of undetermined and potentially harmful substances, 3) is increasing among both adults and youth, 4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain, 5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present, and 6) creates confusion and leads to difficulties enforcing smoking prohibitions; and

WHEREAS, Cigarettes consumed in outdoor public places are often discarded on the ground as an environmental blight, diminishing the beauty of recreational areas, requiring additional maintenance expenses to clean up, and posing a fire risk as well as risk to human and animal health through potential ingestion and contamination of water sources; and

WHEREAS, Health and Safety Code section 11362.3(a)(2) prohibits the smoking of cannabis or cannabis products in locations where the smoking of tobacco is prohibited; and

WHEREAS, the Town of Loomis believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all Loomis public parks serves to protect the public's health, safety and welfare.

THE COUNCIL OF THE TOWN OF LOOMIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Prohibiting Smoking in Loomis Public Parks. Chapter 7.24 is hereby added to the Loomis Municipal Code to read as follows:

7.24.010 - Definitions. As used in this Chapter the following definitions shall apply:

- A. "Cannabis" shall have the same definition as in the Loomis Municipal Code Section 13.46.020.
- B. "Electronic smoking device" shall mean an electronic device that can be used to deliver an inhaled dose of nicotine, or any other substances, including any component, part, or accessory of such a device, whether or not sold separately.
- C. "Public parks" shall mean, but is not limited to, all parks, facilities, playgrounds, trails, open space, restrooms, picnic areas, and playgrounds.
- D. "Smoke or smoking" shall mean inhaling, exhaling, burning, or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device

or any plant product intended for human inhalation, whether the item is natural or synthetic and whether or not it contains nicotine.

- E. "Tobacco or tobacco product" shall mean any product containing, made or derived from tobacco or nicotine, or any electronic smoking device whether or not it contains nicotine. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
- F. "Tobacco use" shall mean the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form.

7.24.020 – Prohibiting Smoking in Loomis Public Parks. It shall be unlawful for any person to smoke any or use any cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device or any plant product intended for human inhalation, whether the item is natural or synthetic and whether or not it contains nicotine or use any tobacco product, within the perimeter of any Loomis public park (except as specifically allowed by special event permit). Pursuant to Health and Safety Code section 11362.3(a)(2), this prohibition shall extend to include the smoking of cannabis or products derived from cannabis.

7.24.030 - Penalty for Violation.

A. The violation of Loomis Municipal Code section 7.24.020 shall be an infraction which shall be enforced pursuant to the provisions of the Loomis Municipal Code Section 1.16.010.

B. Any subsequent violation of the Loomis Municipal Code section 7.24.020 or a refusal to leave the premises after having been cited for a violation of the Loomis Municipal Code section 7.24.020, shall be a misdemeanor which shall be enforced pursuant to the provisions of the Loomis Municipal Code Section 1.16.010.

Section 2. Posting. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the 12 day of November, 2019, and was approved and enacted at a duly held regular or adjourned Council meeting held on the 10th day of December, 2019, by the following roll call vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

ATTEST:

Mayor Tim Onderko

Town Clerk