



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager

Prepared by: Audrey Young

Date: February 14, 2017

Subject: Smoking in Certain Public Areas Ordinance

Recommendation

1. Introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE ADDING MUNICIPAL CODE, CHAPTER 8, SECTION 14, SMOKING IN CERTAIN PUBLIC AREAS

Background

In 2014, the City of Lake Elsinore adopted Resolution No. 2014-063 in support of programming and policies that focus on health promotion. In support of this Resolution, the City has since implemented a healthy community initiative called Healthy LE. Healthy LE aims to reduce the risk of preventable disease throughout the City through the promotion of safe, active living, healthy lifestyles. Healthy LE is comprised of programming, policy development, infrastructure improvements, and community collaboration. Successful monthly programming has gained traction with the community and education about healthy decisions has begun to be implemented. In an effort to complement the educational component, proven disease prevention policy measures shall be considered.

According to the American Lung Association, smoking is the leading cause of preventable diseases, and restricting the use of tobacco products has resulted in recognizable benefits for public health and medical costs. Smoking has been proven to result in negative health impacts, and exposure to secondhand smoke occurs in a significant levels outdoors. State law sets a precedent by prohibiting within 25 feet of playgrounds and within 20 feet of entryways and government buildings. In addition, state law expressly authorizes local communities to enact additional restrictions.

In addition, in November 2016, California voters approved legalizing the use of cannabis. In order to protect citizens from the secondhand smoke impact of this herbal material, in addition to all other smoking materials, the City hereby also addresses the smoking of cannabis in certain public areas.

Discussion

In accordance with the City's Resolution No. 2014-063, we hereby present for your consideration, the Smoking in Certain Public Areas Ordinance, Chapter 8.14 of the Lake Elsinore Municipal Code. The Ordinance presented before you today is an additional policy measure that restricts smoking in certain public areas throughout the City of Lake Elsinore. The Ordinance would prohibit smoking in the following enclosed and unenclosed places.

Enclosed Places:

- Public property;
- Places of employment;
- Public dining areas;
- Public recreational areas;
- Service areas;
- Enclosed areas adjacent to where smoking is prohibited;
- Enclosed areas that share a ventilation system with areas where smoking is prohibited; and,
- Enclosed areas where smoking is prohibited by other provisions of this chapter, state law, or federal law.

Unenclosed Places:

- Places of employment;
- Public dining areas;
- Parks;
- Playgrounds;
- Beaches;
- Public recreational areas;
- Service areas;
- Public plazas; and,
- During public events (except as stipulated in the "Exceptions" below).

In addition, any person who controls any property, would have the authority to designate a portion or all of their property as a nonsmoking area.

Exceptions would be allotted for the following:

- Designated smoking areas at events;
- Significant tobacco retailers;
- Performers during theatrical productions;
- Private residential property, except where used as a childcare or healthcare facility;
- Outdoor dining areas; and,
- Public right-of-ways.

The person or organization with legal or de facto control of an area where smoking is prohibited is required to post "No Smoking" or "Smoke Free" Signage in all areas where smoking is prohibited.

Staff presents this Ordinance for consideration of this introductory reading of the Smoking in Certain Public Areas Ordinance.

Fiscal Impact

The City of Lake Elsinore would be required cover the installation and maintenance costs associated with posting “No Smoking” or “Smoke Free” signage where smoking is prohibited on City owned property. The anticipated cost associated with this is an initial cost not to approximately \$3,000 and an estimated annual maintenance cost of \$200.

In addition, the City would be responsible for enforcement of the Ordinance in accordance with standard municipal fine schedule. Staff anticipate the revenue generated from the fines would offset some of the costs associated with the signage installation and maintenance.

Exhibits

Exhibit A - Resolution