

Parks and Recreation Commission Staff Report

Meeting Date: October 7, 2014

Agenda Item Number: 3E

Applicant: Roger Moellendorf, Parks & Recreation Director

Request: **For Possible Action:** To consider whether the City should move forward with developing an ordinance that bans smoking in city parks.

General Discussion: The Parks and Recreation Commission have asked staff to bring forward a discussion as to whether there should be consideration to develop an ordinance that bans smoking in city parks. This topic has come before the Commission before; most recently in 2010. The staff report, backup information and minutes from the December 7, 2010 are included as Exhibit A.

The support for banning smoking usually includes at least the following main reasons:

1. Parks should promote healthy life styles, and smoking is unhealthy.
2. Smoking in parks infringes on the enjoyment of non-smokers and represents a health risk to all park users.
3. Smoking in parks sets a bad example for youth.
4. Smoking in parks causes increase costs in addressing the resulting litter associated with smoking.
5. Smoking can result in fires especially in our undeveloped or natural parks.

Staff agrees with the above statements; however, our biggest concern about enacting an anti-smoking ordinance is our ability to enforce it. The Department has one park ranger whose responsibility is to patrol all of our parks. The Carson City Sheriff's Department has shown reluctance to add enforcement of smoking rules to their responsibility. Sheriff Ken Furlong spoke to this topic during the December 7, 2010 Parks and Recreation Commission meeting.

Based on the discussion from the December 7, 2010 Parks and Recreation Department, staff has placed signs around playgrounds in our parks that ask for voluntary compliance to not smoke in these areas. Staff believes that the public generally complies with this request and in fact the department has received very few complaints from the public regarding smoking in parks or around playgrounds. As a side note, designated smoking areas were provided at Fuji Park during the NV 150 Fair. Many cities have enacted smoking ordinances for parks. Recently the Seattle revoked their smoking ordinance. Some cities have complicated ordinances that state where smoking can and cannot occur

in parks and recreation facilities, while others simply ban the use of tobacco in parks and recreational areas.

Several options that the Commission may want to consider are:

1. Take no action.
2. Consider an approach that would ban smoking from parks and recreational facilities.
3. Consider an approach that would designate where smoking is prohibited in parks and recreational facilities.
4. Consider an approach that would designate areas in parks and recreational facilities where smoking is allowed.

Other considerations may include do we consider banning smoking only or the use of all tobacco products and do we include vapping e-cigarettes.

Recommended Action: Staff has no recommended action at this time.

Exhibit A

Parks and Recreation Commission Staff Report

Meeting Date: December 7, 2010

Agenda Item Number: 3C

Applicant: Roger Moellendorf, Director, Parks and Recreation Department

Request: Discussion only regarding tobacco use in City parks and the Health and Human Services Department's tobacco use in parks survey.

General Discussion: The Carson City Health and Human Services Department recently conducted a survey regarding the community's support for tobacco-free parks in Carson City. The survey ran for two weeks from August 8 through August 21, 2010. The survey was available on the Health and Human Services Department's website. There were 179 responses to the survey. Included as Exhibit A are the results of the survey.

Recommended Action: This is for discussion only; therefore, no formal action may be taken.

Exhibit A

Smoke Free Parks and Events Survey Carson City Health and Human Services

1. Are you in support of having a tobacco-free park in your community?
Yes **88.7%** No **11.3%**

2. How likely would you be to use a tobacco-free park?
More Likely **67.8%** Neutral **21.5%** Less Likely **10.7%**

3. How likely would you be to attend an event at a tobacco-free park?
More Likely **65.5%** Neutral **23.7%** Less Likely **10.7%**

4. How likely would you be to take your children/grandchildren to a tobacco-free park?
More Likely **80.2%** Neutral **13.0%** Less Likely **6.8%**

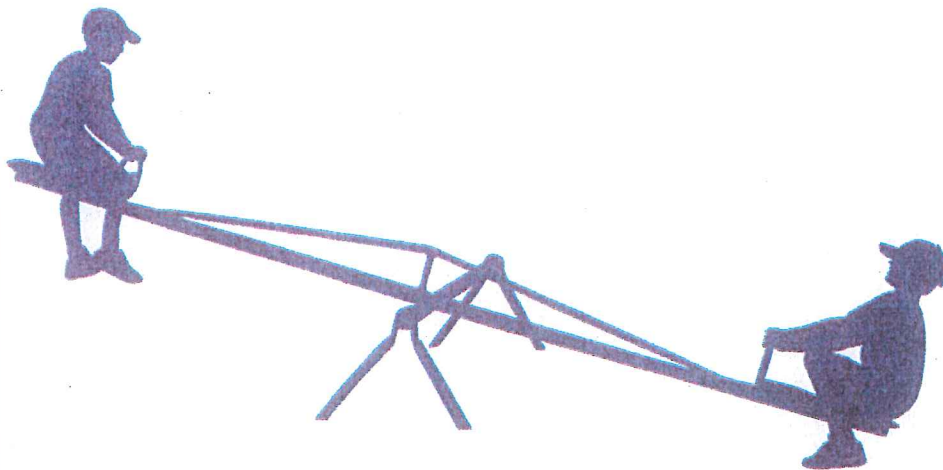
5. Which county do you reside?
Carson City **54.8%**
Washoe **13.6%**
Lyon **13.6%**
Douglas **10.7%**
Other **7.3%**





**Thank you
for keeping
Corvallis parks
family-friendly
and smokefree!**

Ordinance 5.03.080.160.01



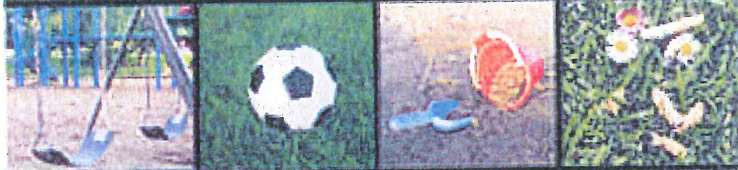
**For more information, please call the Benton County
Tobacco-Free Coalition at 541-766-6250.**

Coos County



*Smokefree Day
at the Fair*

Smoke-Free Playgrounds



ONE OF THESE THINGS
DOESN'T BELONG

No smoking within 25 feet of playgrounds or tot lots

Se prohíbe fumar en áreas de recreo



UNA DE ESTAS COSAS
NO PERTENECE

No se permite fumar a 25 pies del patio de recreo y donde juegan los niños

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(7:08:04) – Chairperson Curtis expressed interest in the term “compromise” heard from the last four speakers, representing the Lakeview neighborhood. She was certain that the parking laws in question would be addressed by the Planning Commission, but she wanted to understand the “real issue” at hand. She recognized that there would no longer be parking inside the park, people would not be “wandering around with their horses” there, and they would be going up on the trail. The parking was limited, she added, and the riders would be picking up after their horses. She solicited other objections from the neighborhood that had not yet been addressed, prior to taking action. Commissioner Lasco mentioned that during the October meeting he had requested a status update on the parking situation. Mr. Krahn explained that there would not be any net gain in parking. Chairperson Curtis asked the additional speakers to be brief. Connie Creech, who identified herself as a member of NASTR and a Carson City resident, stated that she frequently rode the Hobart Trail up to the Tahoe Rim Trail and above. She explained that the area use was seasonal, due to snowfall. She clarified that their group did fundraising for the purpose of keeping trails accessible for equestrian use. Ms. Creech also indicated that the Back Country Horsemen and NASTR had purchased signs, installed last fall, to indicate cleaning up after horses. She stated that this issue had been brought up to the Commission in the 1980s, and that they understood the homeowners’ concern and “just wanted to get along with them”.

(7:13:40) – Mary Fischer, a Lakeview resident, believed they needed more trails, and that she had been fighting to get trailheads, such as the one near Franktown. She deemed dog mits important. She also stated that the issue was one of semantics, and by calling the trailhead a park, people would think of a different kind of park, with playground equipment, etc. She said that by calling it a trailhead, there won’t be any pressure down the line for sanitation facilities, tables, etc. Chairperson Curtis reminded Ms. Fischer that the City had definitions, in its plans, of trailheads that did include picnic benches, sanitation facilities, and tables. Chairperson Curtis called for additional Commissioner comments. Mr. Yanuck echoed Chairperson Curtis’ comments regarding the compromises that were “many”. He also said he heard the trail riders explain that they did not want to linger, but simply wanted access. He suggested that the Parks and Recreation Department make a compromise by removing the excess gates, which the trail riders said they did not need. Mr. Moellendorf stated that if removing the two equestrian gates gave the residents a level of comfort, it could be done. However, he added, he did not want to exclude horses from the park, as it would create an enforcement issue. Commissioner Smolenski concurred, and stated that excluding the horses meant fencing the entire park. Mr. Yanuck also expressed concern about fencing the entire park, and added that it would be impossible to exclude people from entering the area anyway. Commissioner Carlson stated that without additional parking, there would not be additional horses. Commissioner Westergard cautioned against eliminating other park uses with the removal of gates. Mr. Moellendorf replied that they could fashion a specific design to ensure pedestrians and hikers could still get into the park.

(7:23:45) – **Commissioner Walt moved to recommend to the planning commission the approval of the conceptual Lakeview Park Trailhead design, with the discussed amendment of removing the two equestrian gates. Commissioner Adams seconded the motion. Chairperson Curtis called for further discussion, and when none was forthcoming a vote. The motion carried unanimously.**

A five-minute recess was declared by Chairperson Curtis, while the audience cleared the room.

Chairperson Curtis called the meeting back to order at 7:33 p.m.

* **3C. DISCUSSION ONLY REGARDING TOBACCO USE IN CITY PARKS AND THE HEALTH AND HUMAN SERVICES DEPARTMENT’S TOBACCO USE IN PARKS SURVEY.** (7:33:36) – Chairperson Curtis introduced the item. Mr. Moellendorf explained that this issue has come up five years ago for several reasons, such as promoting a healthy lifestyle, setting a good example for the youth, and eliminating litter and maintenance issues. He went on to say that many cities across the country had banned tobacco in parks. He believed Seattle banned tobacco use in parks, but had it revoked later. Mr. Moellendorf cited a recent Health and Human Services Department survey, incorporated into the record, where 88.7% of participants supported tobacco-free parks. However, he added, the person managing the survey had left and could not be here to discuss the details or reasons for the survey. Mr. Moellendorf explained that the City did not condone smoking in parks, and they did recognize it as a maintenance problem, however, because of budget cuts in the last three years, and with the presence of only one park ranger, they would find it more

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Difficult to enforce tobacco-free parks. Mr. Moellendorf said he would consider signs, examples of which are incorporated into the record, near playgrounds, asking people not to smoke voluntarily. He understood that certain areas, such as a section of Mills Park near the high school, were areas that were frequented by smokers. However, banning them from smoking there, he believed, would most likely move the problem to another section of the City. Therefore, Mr. Moellendorf recommended to forgo mandatory bans on tobacco use in the parks, and look at voluntary compliance instead. Mr. Fahrenbruch agreed with Mr. Moellendorf on being proactive, and reiterated that it would be difficult to enforce park rules and ordinances due to staffing and budget constraints. He suggested signage, especially near heavily-used playgrounds. In response to Chairperson Curtis' question, Mr. Fahrenbruch said that litter was a problem, and typically the litterers would get a warning, and at times, were cited. Carson City Sherriff Ken Furlong also confirmed the fact that this was not an enforceable ban, and would not be a high priority. "We do want to keep our community safe. Imagine for one moment, I know this is somewhat of an exaggeration, someone calling 911 and saying someone is smoking at the park by the river", he said, adding that the call would not be treated as a priority crime. He acknowledged that the area in Mills Park, near the high school was a problem, and that they had discreetly dealt with it, with the help of the School District. Sherriff Furlong also agreed with Mr. Moellendorf and Mr. Fahrenbruch that moving a problem elsewhere in the City would be counter-productive. Chairperson Curtis inquired about alcohol use in City parks. Mr. Fahrenbruch responded that it was allowed, with no glass containers, except in youth sports complexes such as Governors Field and Edmonds Sports Complex. Mr. Moellendorf suggested that alcohol consumption could result in disruptive behavior and would require enforcement, but stated that the regulation to ban it was done at a "different period of time". He reiterated the fact that with the budget cuts, no new rules could be enforced. Commissioner Brod agreed that it would be unreasonable to enforce a ban, however, she liked the presence of signs as deterrents. Mr. Moellendorf proposed returning with a plan for the signs, and Chairperson Curtis, suggested returning before the warm weather and reviewing it with the Commission. Discussion ensued whether the ban would include all tobacco or just cigarettes, and whether it would be relevant to open space areas. It was agreed to look into all these aspects while formulating the plan. Vice Chairperson Lasco said he would support a trial or a limited signage campaign, however, he was concerned about the signs being targeted for tagging and defacement. He offered to provide signage and visuals to be used for the trial campaign. Sherriff Furlong stated that the low-level plan, implemented at Mills Park last year, indicated no damage. Chairperson Curtis thanked Sherriff Furlong for his time and contribution to the discussion.

4. MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (8:02:00) – Chairperson Curtis introduced the item. Commissioner Smolenski reminded the Commission about the Chamber of Commerce's Annual Holiday Party at the skating rink.

4A. REPORT FROM SCHOOL BOARD LIAISON – None.

5. FUTURE AGENDA ITEMS (8:02:46) – Chairperson Curtis requested discussing the Pony Express Building. Mr. Moellendorf added that at the next meeting, there would be an update on the Tahoe Bikeway Project.

6. ACTION ON ADJOURNMENT (8:03:39) – Commissioner Westergard moved to adjourn. Vice Chairperson Lasco seconded the motion. The meeting was adjourned at 8:03 p.m.

The Minutes of the December 7, 2010 Parks and Recreation Commission meeting are so approved this 1st day of February, 2011.

STEVE LASCO, Chair