



# Memorandum

**TO:** Honorable Mayor & City Council

**FROM:** Mayor Reed  
Vice Mayor Cortese  
Councilmember Nguyen

**SUBJECT:** Prohibition of smoking in Parks, Community Centers and Libraries

**DATE:** October 19, 2007

**APPROVED:** *Chuck Reed, J. B. Madison, Nguyen R.C.* **DATE:** *October 19, 2007*

**RECOMMENDATION**

It is recommended the San Jose City Council:

1. Accept staff's report on the public hearing regarding a smoking ban in public parks.
2. Recommend approval to implement an ordinance prohibiting smoking in city parks, community centers and libraries.
3. Direct staff to work with stakeholders to develop an ordinance implementation plan that includes utilizing cost effective signage and a comprehensive community notification plan.
4. Direct staff to develop and implement guidelines for smoking restrictions inside golf courses.

**BACKGROUND**

San Jose Municipal Code (SJMC) currently prohibits smoking in all enclosed public buildings and places of employment, motor vehicles used in work, 50% of hotel and motel guestrooms and stadiums and sports arenas. While state law prohibits smoking within twenty five feet of tot lots, there is no such prohibition for other areas within city parks, which are popular recreational venues for children and adults. As city parks are intended to promote healthy and active living, it is logical to extend the prohibition of smoking to these locations. Cities in California and around the nation, recognizing the negative effects of secondhand smoke, have adopted smoking prohibitions in city parks, including New York City, Beverly Hills, San Francisco, Santa Cruz and Calabasas. Most recently Los Angeles, Belmont, San Diego and Oakland have extended their smoke free policies to include entire city parks.

On June 6, 2007 the Rules Committee directed staff to prepare for City Council consideration a draft ordinance amending San Jose Municipal Code section 9.44.030 to include a prohibition of smoking in city parks. The direction included conducting a public hearing at the Parks & Recreation Commission to take public testimony, which occurred on August 1, 2007. The staff report on the public hearing, which details the proceedings of that public hearing and that six of seven commissioners supported a ban on smoking in city parks, was presented to the Rules Committee on September 12<sup>th</sup>. The committee voted unanimously to forward the report to City

Council along with a draft ordinance containing the prohibition and clarifications of the definition of “park” so as to include buildings that are collocated inside or adjacent to city parks.

### ANALYSIS

San Jose has made significant strides towards becoming a public-health friendly city. From lining our neighborhoods with street trees to requiring a high percentage of healthy snacks be sold in vending machines in public buildings to prohibiting alcohol inside city parks, each of these measures is designed to proffer options to our residents for healthy living. Actions like these have certainly helped San Jose earn national accolades, including being recognized as one of the top five healthiest cities in the country in a study by Bert Sperling's BestPlaces and vitamin-maker Centrum.

More than 450,000 people in the United States will die this year from a tobacco related disease. According to the Centers for Disease Control and Prevention, secondhand smoke kills more than 50,000 people in the U.S. It also causes serious diseases such as lung cancer, heart disease, and serious respiratory problems in children, including severe asthma attacks and lower respiratory tract infections. A 1997 study by the California Environmental Protection Agency found that exposure to ETS (Environmental Tobacco Smoke) can induce or exacerbate asthma in children. The study concluded that ETS may cause between 1,000 and 3,000 new cases of asthma in children in California each year and ETS may exacerbate asthma in 48,000 to 120,000 children in California each year.

The City Council's support of a prohibition on smoking in parks, community centers and libraries is an important aspect of our role as guardians, *not of public morals*, but of public health *and safety*. Insofar as City-owned space is concerned, we should be firm in maintaining these spaces as nicotine-free so as to limit exposure to secondhand smoke and the ancillary negative environmental effect of cigarette butt-associated littering – the most littered item in the world and a pollutant because of its cellulose acetate base.

We look forward to the City Council's support of this important step in keeping our city parks free of the deleterious effects of smoking and safe for San Jose citizens.