

CITY OF YUBA CITY  
STAFF REPORT

**Date:** November 3, 2009  
**To:** Honorable Mayor & Members of the City Council  
**From:** Parks and Recreation Commission  
**Presentation By:** Brad McIntire, Parks & Recreation Director

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**Subject:** Prohibiting the use of Tobacco at all City Parks and within 50 feet of any public entrance into a City owned or leased facility.

**Recommendation:** Adopt an Ordinance amending Title 9 Chapter 2 – Prohibiting Tobacco Use in Gauche Park to include all City Parks and within 50 feet of any public entrance into a City owned or leased facility and waive the second reading.

**Fiscal Impact:** \$1,500.00 of funding will be provided through the Sutter County Tobacco Control Project to cover the cost of providing signage at all City Parks and City Facilities.  
Direct the Finance Director to record a Supplemental budget adjustment for expenditures and revenues as it relates to this project.

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**Background:**

On March 4, 2008 the City Council approved an ordinance for Gauche Aquatic Park to be tobacco free. In the first year of implementation, staff has had no negative issues or situations with the public as it relates to enforcing the ordinance.

On May 20, 2009 the Yuba City Parks and Recreation Commission was approached by the Substance Abuse Steering Coalition (a group of local citizens and professionals in the Tri-County area who promote a healthy substance abuse free environment for all) requesting the Parks and Recreation Commission to consider prohibiting the use of tobacco at all City Parks and within 50 feet of any public entrance into a City owned or leased facility.

Two Public Hearings were held July 15, 2009, and August 19, 2009. Throughout the two public hearings there were many citizens that spoke in favor of the proposal and only one citizen spoke in opposition. At the August 19th Public Hearing, the Parks and Recreation Commission unanimously voted to accept the proposal to prohibit the use of tobacco at all City Parks and within 50 feet of any public entrance into any City owned or leased facility; and recommend to City Council to adopt a revised ordinance.

**Analysis:**

- In promoting health and wellness and facilitating community problem solving, staff believes it is in the best interest of the City to create a Tobacco Free ordinance for all City Parks and Facilities.
- Implementing this ordinance will likely reduce the litter of cigarette butts.
- As of January 2002, California Health and Safety Code section 104495 prohibits the smoking of any cigarette, cigar or other tobacco related products within 25 feet of a tot lot sandbox area at a park or recreational area specifically designated to be used by children that have play equipment installed, are located on public or private school grounds, or on city, county, or state park grounds.
- There are approximately 90 cities and counties that have approved a No Smoking Ordinance and/or Tobacco Free Ordinance in the State of California.
- Local area cities with a No-Smoking Ordinance include: Sacramento, Roseville, Davis, Woodland and Redding.
- Outdoor smoking ordinances are designed to be self-enforcing. When communities pass these types of policies, they do not intend for police officers to spend their time searching for people smoking in public places. Rather, the expectation is that through education and signage, residents will become aware of the smoking restrictions and most individuals who smoke will obey the law. If someone does smoke in a restricted area, other people are likely to ask the individual to stop and inform them of the restrictions.
- Prohibiting Tobacco Use within 50 feet of any public entrance into a City owned or leased facility will be consistent with Sutter County's ordinance.

Attachment A: Proposed Ordinance amending Title 9 Chapter 2 of the Municipal Code.

**Fiscal Impact:** Cost of materials and supplies will be funded by the \$1,500.00 provided by the Sutter County Tobacco Control Project. Staff from Public Works will be putting the signs up throughout City Parks and facilities.

**Alternatives:**

1. Do not adopt the Ordinance.
2. Modify the restrictions to the Ordinance.

**Recommendation:** Adopt an Ordinance amending Title 9 Chapter 2 – Prohibiting Tobacco Use in Gauche Park to include all City Parks and within 50 feet of any public entrance into a City owned or leased facility and waive the second reading.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF YUBA CITY AMENDING TITLE 9,  
CHAPTER 2, OF THE YUBA CITY MUNICIPAL CODE  
PROHIBITING SMOKING IN ALL CITY PARKS AND WITHIN  
50 FEET OF ANY PUBLIC ENTRANCE INTO ANY CITY OWNED  
OR LEASED FACILITY

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES ORDAIN AS  
FOLLOWS:

**Section 1:** Section 9-2.02(a) of the Yuba City Municipal Code entitled, "Hours of use," is hereby amended to read as follows:

Sec. 9-2.02. Hours of use.

(a) For purposes of this chapter, the word "neighborhood parks" shall mean any City park except for Blackburn-Talley Sports Complex, Gauche Aquatic Park, and Sam Brannan Park. Blackburn-Talley Sports Complex, Gauche Aquatic Park and Sam Brannan Park are defined as "community parks" for purposes of this chapter.

**Section 2:** Section 9-2.15 of the Yuba City Municipal Code entitled, "Alcohol restrictions in neighborhood and community parks," is hereby amended to read as follows:

Sec. 9-2.15. Alcohol restrictions in neighborhood and community parks.

It shall be unlawful for any person to bring, possess, or consume any alcoholic beverage within the confines of Yuba City's parks and recreation areas, with the exception of Sam Brannan Park, and Gauche Aquatic Park. In Sam Brannan and Gauche Aquatic Parks, possession and/or consumption of alcoholic beverages shall be permitted only by permit obtained from Yuba City Leisure Services. The person responsible for the conduct of an activity must sign the permit and the permit holder is tally responsible for the supervision and safety of all participants at the event. City may revoke the approval or this permit at any time in the interest of public safety. Such revocation shall be at the sole discretion of any City emergency service work (police or fire). Any permit pursuant to this section allowing the consumption of alcohol at Sam Brannan Park or Gauche Aquatic Park shall be limited to only the consumption of beer and wine. The fenced-in softball facility at the Blackburn-Talley Sports Complex is subject to separate regulations per Section 9-2.16 of this chapter.

**Section 3:** Section 9.2.23 of the Yuba City Municipal Code is hereby repealed.

**Section 4:** Section 9-2.23 is hereby added to the Yuba City Municipal Code to read as follows:

Sec. 9-2.23. Smoking prohibition *at all City parks and within 50 feet of any public entrance into any City owned or leased facility.*

*It shall be unlawful for any person to use any tobacco product in all City parks and within 50 feet of any public entrance into any City owned or leased facility. "Tobacco Product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.*

**Section 5:** Section 9-2.30 is hereby added to the Yuba City Municipal Code to read as follows:

Sec. 9-2.30 Enforcement.

The Director of Public Works, or his designee, shall be responsible for enforcing the provisions of this chapter insofar as they relate to the functions and duties of the department. The Police Chief shall be responsible for enforcing the penal provisions of this chapter.

**Section 6:** This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and adopted at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mayor

Attest:

\_\_\_\_\_  
Terrel Lock, City Clerk

APPROVED AS TO FORM:

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Timothy P. Hayes, Esq.  
City Attorney