

City of Fayetteville Staff Review Form

2018-0135

Legistar File ID

3/6/2018

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Connie Edmonston

2/15/2018

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products into Chapter 97: Parks and Recreation to Prohibit Smoking and Tobacco use in all City Parks and Trails.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>NA</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180209

Previous Ordinance or Resolution # Chapter 97

Original Contract Number: _____

Approval Date: _____

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Connie Edmonston, Parks and Recreation Director
DATE: February 15, 2018

SUBJECT: An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products into Chapter 97: Parks and Recreation to Prohibit Smoking and Tobacco use in all City Parks and Trails

RECOMMENDATION:

An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products into Chapter 97: Parks and Recreation to Prohibit Smoking and Tobacco use in all City Parks and Trails.

BACKGROUND:

Parks and Recreation has received numerous requests from citizens to have smoke free parks. Currently there are at least 30 Arkansas municipalities that enacted a smoke free parks law. There are several reasons why it is important to have smoke free parks including the right to clean air, children's safety, provide a model of healthy behavior, fire prevention, groundwater pollution prevention, and prevention of litter caused by cigarette-butt disposal in parks. The National Recreation and Parks Association endorsed municipalities to have tobacco free park laws as of July 1, 2016. We believe smoke free parks will provide a positive impact to our citizens utilizing parks and trails from a physical, environmental and social nature.

Staff have been working with the NW Tobacco and Drug Free Coalition and the City Attorney's office on amending City Code by enacting an ordinance to prohibit smoking and the use of tobacco in any City owned or operated recreational facility, park and trail. This ordinance would prohibit smoking and the use of tobacco products including lighted pipe, cigar, or cigarettes of any kind, as well as the use of all smokeless tobacco and nicotine-containing cigarettes, vapor devices, or heated devices. Cessation products approved by the United States Food and Drug Administration would be exempt. Examples of exemption would be nicotine gum, lozenges, patches, inhalers or nasal sprays. Signs will be posted in parks and trails to notify the public of this ordinance. Any person who smokes or uses tobacco products in a park or trail will be guilty of a violation of the ordinance and punishable by a fine not to exceed \$50 per occurrence.

DISCUSSION:

Education and signage will be important to implement this change of ordinance within our city. The NW Arkansas Tobacco and Drug Free Coalition endorses this ordinance and will assist in helping to fund signage. See attached letter.

The Parks and Recreation Advisory Board unanimously recommended approval of the Smoke Free Park ordinance at the February 5, 2018 monthly meeting. See attached minutes.

BUDGET/STAFF IMPACT:

Public education and signage in parks and trails about this ordinance change will be important to enforce the ordinance. Funding will be available from the existing operation budget as well as funding assistance pledged from the NW Arkansas Tobacco and Drug Free Coalition.

Attachments:

Endorsement Letter from the NW Arkansas Tobacco and Drug Free Coalition
February 5, 2018 Parks and Recreation Advisory Board Meeting Minutes
An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products

(THINK FREE)

 /nwatdf
 @nwatdf

December 5th, 2018

RE: ENACT 97.083 PROHIBITING SMOKING AND TOBACCO USE IN CITY PARKS

To Whom It May Concern,

The Northwest Arkansas Tobacco and Drug Free Coalition believes that parks and trail systems should: provide citizens with the right to breathe clean air, increase child safety by reducing exposure to second-hand smoke, as well as, third-hand smoke, reduce groundwater pollution by greatly reducing cigarette-butt pollution, and promote healthy behavior to our youth. The ordinance proposed by Fayetteville Parks and Recreation can implement positive change and improve the public health of our rapidly growing community.

The Northwest Arkansas Tobacco and Drug Free Coalition is committed to improving the quality of life for Arkansans by mitigating the health and economic impact of tobacco through education, prevention, cessation, and public policy. Historically local efforts are key to reducing the burdens of tobacco in Arkansas. It is our goal to provide the latest tobacco education and prevention information to help create positive change in our community.

Sincerely,

The Northwest Arkansas Tobacco and Drug Free Coalition.

NWA TOBACCO & DRUG FREE COALITION

614 E. Emma Avenue, Suite 300 • Springdale, AR 72764
479-751-7417 x 6011 • www.nwatdfc.org



Parks and Recreation Advisory Board

February 5, 2018
5:30 PM Board Meeting
City Administration Building Room 326
113 West Mountain Street
Fayetteville, AR

Members: Richie Lamb, Wade Colwell, Joel Freund, JL Jennings, Chuck Maxwell, Jennifer Neill, David Profitt, Bill Putman, Dana Smith

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; John Crow, Recreation Superintendent; Ted Jack, Park Planning Superintendent; Ken Eastin, Park Planner; Chanel Pennington, Operations Assistant

1. Call to Order

Lamb called the meeting to order at 5:32 pm.

2. Roll Call

Members Present: Colwell, Jennings, Maxwell, Freund, Lamb, Neill, Putman, and Smith.

Members Absent: Profitt

City Staff: Humphry, Crow, Eastin, Jack, and Pennington.

5. Smoke Free Parks Ordinance Proposal: Byron Humphry, Parks & Recreation Maintenance Superintendent

Parks and Recreation Staff have been working with the NW Tobacco and Drug Free Coalition and the City Attorney's office on an ordinance to prohibit the use of smoking and tobacco in any City owned or operated recreational facilities, parks and trails. See proposed ordinance. If approved by PRAB, the ordinance will go before City Council for final approval and it would go into effect in 30 days.

Layla Lopez-gave a presentation for the Community Clinic of NWAR - NW AR Tobacco and Drug Free Coalition.

Lopez-love discussed the following:

1. Mission, history, and achievements of the NW AR Tobacco and Drug Free Coalition.
2. Research and findings of smoke free park laws.
3. Fort Smith Ordinance
4. Reasons to go smoke free
 - a. Right to clean air
 - b. Children's safety
 - c. Fire prevention
 - d. Environmental effects

- e. Tourism
 - f. Grant Incentives & NRPA Endorsement
5. Enforcement, NW AR Coalition will help with signage in the parks and staff education.

Colwell said he is in favor of the ordinance.

Lamb read the proposed ordinance to the Board.

Putman asked if the proposed ordinance was modeled after other municipalities.

Crow said many of the 'WHEREAS' were modeled after the City of Fort Smith's ordinance. Parks staff also worked with the City Attorney.

Smith asked if someone was smoking in their car, in a park, if they would be fined. She had concerns about the enforcement of the proposed ordinance.

Freund said it may help empower people to say something.

Lamb said he was in support as well.

Staff Recommendation: PRAB to approve the proposed Smoke Free Parks Ordinance.

PRAB Recommendation: Colwell made a motion to accept the recommendation, Maxwell seconded the motion. Motion passed, 8-0-0.

10. Adjourn

Lamb adjourned the meeting at 7:05 pm.

PRAB minutes provides the basic discussions and motions of the PRAB meeting. For more information, please refer to the PRAB meeting video provided on the city's website, www.fayetteville-ar.gov.