



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 15, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Smoking in City Parks

MEETING DATE: For Submission onto the May 20, 2014, City Council Work Session Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Smoking Ordinance Comparisons

APPROVAL BY CITY MANAGER: John McDonough APPROVED

PLACED ON AGENDA FOR: 5/20/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS: **CITY COUNCIL DISCUSSION ITEM**



TO: John McDonough, City Manager

FROM: Eden Freeman, Assistant City Manager

DATE: May 14, 2014 for submission on the Agenda of the May 20, 2014 City Council Work Session

ITEM: Smoking in City Parks

Background

After a recent inquiry from a Sandy Springs resident, staff was asked to review the City's current ordinances and determine if smoking is prohibited in the City's parks.

Discussion

The City's current ordinances do not prohibit smoking in City parks. Staff has compiled a comparison of ordinances in effect in neighboring cities that prohibit smoking in parks, which is attached to this memo.

Attachment

1. Comparison of Ordinances from Neighboring Cities

*City
Manager*

Smoking Ordinance Comparisons

ALPHARETTA

Sec. 10-4. Regulation of smoking in certain public places.

(a)

Areas where prohibited. It shall be unlawful for any person to smoke in any facility owned or leased by the City of Alpharetta, and in any private facility where a public meeting is called by the City of Alpharetta or an agency thereof during the time such meeting is being held. For the purposes of this section the term "smoking" or "to smoke" shall mean the act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind.

(b)

Posting of signs. Signs prohibiting smoking shall be conspicuously posted in those areas in which smoking is prohibited by this section.

(c)

Enforcement. This section may be enforced by any member of the City of Alpharetta Police Department or Fire Department.

(d)

Penalties. Any person violating any provision of this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 329, §§ 1—4, 1-24-94)

Editor's note—

Section 10-4, which pertained to the restricted smoking policy in municipal buildings and derived from Res. No. 352, adopted February 12, 1990, was deleted as being superseded by the provisions of Ord. No. 329 included herein as a new § 10-4 at the discretion of the editor.

MARIETTA

10-4-210 Smoking prohibited.

A. It shall be unlawful for any person to inhale, exhale, burn, or carry any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or form in indoor and outdoor parks and recreational facilities located within the City of Marietta, including, but not limited to, the restrooms, athletic fields, aquatic areas, parks, hiking/walking/biking trails, playgrounds, off-leash areas, and spectator and concession areas, unless there is a designated **smoking** area as established by the Parks, Recreation and Facilities Director. A designated **smoking** area must be the minimum of 50 feet from a playing field, playground and/or program site.

B. The prohibition set forth in Subsection A. shall not apply to the public golf course known as the City Club or the Marietta Golf Center.

(Ord. No. 7348, 7/8/2009, § 1; Ord. No. 7378, 9/9/2009, § 1)

Smoking Ordinance Comparisons

DUNWOODY

Sec. 25-30. Smoking prohibited.

It shall be unlawful to smoke in any recreational facility, whether indoors or outdoors. For the purposes of this section, smoking shall include cigarettes and other legal and illegal substances, any controlled substances, and smoking in any manner, including any pipes and materials, whether organic or inorganic, utilized for lighting and inhaling thereof.

ATLANTA

Sec. 110-59 Prohibited conduct.

- (i) *Smoking prohibited in parks.* It shall be unlawful for any person to smoke in outdoor parks and recreational facilities located within the City of Atlanta, including, but not limited to, the parks, athletic fields, aquatic areas, golf courses, tennis courses, hiking/walking/biking trails, playgrounds, off-leash areas, and spectator and concession areas.

ROSWELL

Section 14.2.4 - Activities Prohibited in Parks and Public Places.

- (k) *Smoking.* It shall be unlawful for any person to smoke or use any other tobacco product within any City of Roswell park.