



# County of Monterey

Board of Supervisors  
Chambers  
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Salinas, CA 93901

## Legislation Details (With Board Report)

**File #:** 17-0822 **Name:**  
**Type:** General Agenda Item **Status:** Agenda Ready  
**File created:** 7/26/2017 **In control:** Parks Commission  
**On agenda:** 8/3/2017 **Final action:**  
**Title:** Consider a draft ordinance to modify County Code that would prohibit smoking in certain public places within the unincorporated areas of Monterey County (e.g. County Parks and Open Space), except designated smoking areas.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Report, 2. Attachment A - Monterey County Smoke-Free Parks Ordinance Draft, 3. Attachment B - Support for Smokefree Parks ChangeLab Solutions

Date	Ver.	Action By	Action	Result
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Consider a draft ordinance to modify County Code that would prohibit smoking in certain public places within the unincorporated areas of Monterey County (e.g. County Parks and Open Space), except designated smoking areas.

### RECOMMENDATION:

It is recommended that the Parks Commission:

- Support adoption of an ordinance to modify County Code that would prohibit smoking in publicly accessible areas of county parks except for designated smoking areas.
- Provide direction, including exceptions and penalties.

### SUMMARY:

To improve the health and quality of life in Monterey County smoking should be prohibited in publicly accessible areas of Monterey County Parks, excluding designated smoking areas such as some campgrounds and/or parking lots. Allowing smoking in county parks increases exposure of secondhand smoke and cigarette litter to the public, wildlife, and the environment. Smoking also increases the risk of fire in our parks and surrounding areas.

Monterey County Resource Management Agency (RMA) and Health Department are collaborating on the development of an ordinance would prohibit smoking in all publicly accessible areas. Staff has developed a list of county public places and exceptions for consideration:

- Manzanita Park; 100% smoke-free, no designated smoking areas
- Royal Oaks Park; designated smoking area includes parking lots
- Toro Park; designated smoking area includes parking lots
- Jack's Peak Park; 100% smoke-free, no designated smoking areas
- Laguna Seca; designated smoking area includes parking lots, campgrounds, and racetrack area
- San Lorenzo Park; designated smoking area includes parking lots and campgrounds
- Lake San Antonio (North Shore); designated smoking area includes parking lots and campgrounds
- Lake San Antonio (South Shore); designated smoking area includes parking lots and campgrounds
- Lake Nacimiento; designated smoking area includes parking lots and campgrounds

- Travel Camp (Fort Ord); 100% smoke-free, no designated smoking areas
- County's open space lands (includes former Fort Ord habitat parcels and other unincorporated areas); 100% smoke-free, no designated smoking areas

Staff finds that Laguna Seca and Lake Nacimiento operate differently than other County Parks, so are viewed differently relative to these regulations. Staff is seeking direction on the proposed exclusions.

Since these regulations would pertain to County Parks, staff recommends that they be placed in Chapter 14.12 of Monterey County Codes. Title 14 includes regulations for "Streets, Sidewalks and Public Places." Staff also recommends changing the title of Chapter 14.12 from "County Parks" to "County Parks and Open Spaces." Alternatively, these regulations could be placed in Title 10 "Health and Safety."

#### DISCUSSION:

The public's health is being compromised by secondhand smoke. The California Air Resources Board and U.S. Surgeon General have both deemed there is no safe level of exposure to secondhand smoke, even ranking it in the same category as the most toxic automotive and industrial air pollutants.

A costly effect of smoking in county parks is increased cigarette litter, such as cigarette butts. The filters from cigarettes are made of cellulose acetate fibers, which take up to 15 years to decompose. Cigarette butts are toxic and a danger to the environment, wildlife, and children. Wildlife living in these parks may ingest cigarette butts left behind by smokers. Cigarette butts pose a threat to children by the possible ingestion of cigarette butts and other tobacco products. Allowing smoking in county parks also increases the risk of fire. In the United States, humans cause 90% of wildfires as a result of discarded cigarettes, leaving their campfires unattended, or arson. Prohibiting smoking would reduce the risk of wildfires in Monterey County Parks.

Monterey County Parks promote and provide opportunities for the public's enjoyment, inspiration, education, personal development and cultural enrichment. Monterey County Park Programs also promote health and well-being and provide opportunities for the public to improve their health by engaging in a wide array of outdoor activities. Employees of the Parks Department will be able to smoke in designated employee smoking areas.

Smoke free parks laws are easy to enforce. Laws restricting smoking in parks are, for the most part, self-enforcing, which means that people "police" themselves and follow the law. When people know they are not supposed to smoke in a particular place, they generally comply. The posting of No Smoking and/or Designated Smoking Area signs at park entrances and where otherwise appropriate, provides clear and constant reminders about the smoke free law. While laws creating smoke free parks rely primarily on public cooperation, it is also important that a law include enforcement language, such as fines and other penalties, to show that a violation carries real and significant consequences.

Successful implementation and enforcement of the smoke-free policy for parks would be enhanced by highlighting the policy on the Monterey County Parks Department and County website; providing a press release and/or event and as part of a 12-24 month media campaign to create public awareness of the newly adopted policy.

This works supports the following Monterey County Parks Strategic Plan (December 2015) Goal 2; Parks Assets and Infrastructure - Maintain park assets and infrastructure to ensure a safe park environment, reduce future costs, and support increased park usage.

This work supports the following Monterey County Strategic Initiatives: 1) Health and Human Services - Improve health and quality of life through County supported policies, programs and services; promoting access

to equitable opportunities for healthy choices and healthy environments in collaboration with communities; 2) Infrastructure - Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

This work supports the following Monterey County Health Department Strategic Plan Initiatives: 1) Empower the community to improve health through programs, policies, and activities; and 2) Enhance community health and safety by emphasizing prevention. This work also supports one or more of the ten essential public health services, specifically: 5) Develop policies and plans that support individual and community health efforts; 6) Enforce laws and regulations that protect health and ensure safety; and 10) Research for new insights and innovative solutions to health problems.

**OTHER AGENCY INVOLVEMENT:**

Monterey County Resource Management Agency and Health Department are collaborating on the development of this ordinance. We are soliciting feedback from senior RMA-Parks staff that will be charged with implementing and enforcing the proposed ordinance, to ensure the ordinance is implementable and enforceable across county parks.

**FINANCING:**

There is no impact to the General Fund resulting from receipt of this oral presentation. Implementation will require enforcement by existing staff. Staff recommends adopting fines for violations that can help offset implementation costs.

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Approved by: Elsa Jimenez, Director of Health Services x4743

Approved by: Carl P. Holm, AICP, RMA Director

**Attachments:**

- A. Monterey County Smoke-Free Parks Ordinance Draft
- B. Support for Smokefree Parks ChangeLabs Solutions

cc: Dale Hillard