

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 2/25/2013

AGENDA ITEM: Prohibit Smoking and Tobacco Use in Public Parks	
PREPARED BY: Jim Ballew	DIRECTOR APPROVAL:
DEPARTMENT: Parks and Recreation	
ATTACHMENTS: Ordinance	
BUDGET CODE:	AMOUNT:

SUMMARY:

The City of Marysville has proudly led efforts within the State of Washington in the education of tobacco use and impacts of second hand smoke. The city first initiated the “For Our Kids” tobacco-free parks policy campaign in partnership with the Snohomish Health District in 2001. This policy was duplicated in many cities within the state.

While the policy assisted in educating residents and visitors to the city’s parks, many parks remain impacted by those that continue tobacco use. A definite increase of tobacco use is evident in minors and young adults utilizing the park system which contributes to a challenging environment for park users. Impacts include litter, second hand smoke and illegal use of tobacco by minors.

The Marysville Parks and Recreation Advisory Board has forwarded their recommendation to prohibit tobacco use in the City’s park system. This trend has been adopted by many cities in the state of Washington with little or no complaints or challenge by residents.

The attached Ordinance would provide that it is:

Unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material within city parks. The director shall post signs in appropriate locations prohibiting smoking in the city’s parks.

The violation constitutes a civil infraction and shall be enforced in accordance with MMC 4.02.040. The amount of civil infraction fine shall be assessed in accordance with the schedule provided in MMC 4.02.040(3)(g)(ii) and shall not exceed \$500.00 per violation.

RECOMMENDED ACTION:

THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THE ATTACHED ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON PROHIBITING SMOKING AND TOBACCO USE IN PUBLIC PARKS, AMENDING CHAPTER 6.82 OF THE MARYSVILLE MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

**CITY OF MARYSVILLE
Marysville, Washington**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON
PROHIBITING SMOKING AND TOBACCO USE IN PUBLIC PARKS,
AMENDING CHAPTER 6.82 OF THE MARYSVILLE MUNICIPAL CODE, AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Marysville, Washington through the exercise of its police power has the authority to regulate parks located within the City in order to promote the health, public safety, and the general welfare of the public; and

WHEREAS, the City's parks are intended for the healthy enjoyment of all residents and visitors to the City, including children and youth, and those partially or wholly disabled by respiratory disease; and

WHEREAS, a 2006 study conducted by the Surgeon General entitled *Health Consequences of Involuntary Exposure to Tobacco Smoke*, concluded that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma, and that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, City staff have reported that smoking and tobacco use in parks has resulted in litter of cigarette butts, cigar butts, and other related waste, requiring City resources to remove;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new section of the Marysville Municipal Code is hereby enacted, to be known as Section 6.82.173, which shall read as follows:

6.28.173 It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material within city parks. The director shall post signs in appropriate locations prohibiting smoking in the city's parks.

Section 2. Section 6.82.190 of the Marysville Municipal Code is hereby amended, the revised section to read as follows:

6.82.190 Penalty for violations.

(1) A violation of any of the provisions of MMC 6.82.030, 6.82.045, 6.82.055, 6.82.065, 6.82.173, 6.82.075, 6.82.080, 6.82.085, 6.82.090, 6.82.095, 6.82.105, 6.82.110, 6.82.120, 6.82.125, 6.82.130, 6.82.135, 6.82.145, 6.82.155, 6.82.160, and 6.82.165 constitutes a civil infraction and shall be enforced in accordance with MMC 4.02.040. The amount of civil infraction fine shall be assessed in accordance with the schedule provided in MMC 4.02.040(3)(g)(ii) and shall not exceed \$500.00 per violation.

(2) A violation of any of the provisions of MMC 6.82.050, 6.82.060, 6.82.070, 6.82.150, 6.82.170, and 6.82.175 is a misdemeanor, and may be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days or by both such fine and imprisonment.

(3) The penalty for a violation of other sections of this chapter is as provided in those respective sections.

Section 3. This ordinance shall be in full force and effect on the latter of five (5) days after its passage, approval and publication as provided by law, or March 31, 2013.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 5. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2013.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

Attest:

By _____
April O'Brien, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney