City Of San Diego

COUNCILMEMBER JIM MADAFFER, DISTRICT SEVEN
COUNCIL PRESIDENT SCOTT PETERS, DISTRICT ONE

MEMORANDUM

M-06-02-04	**Please refer to this number when responding to this memo**
DATE:	**February 6, 2006**
TO:	**Councilmember Donna Frye, Chair, Natural Resources and Culture Committee**
FROM:	**Councilmember Jim Madaffer and Council President Scott Peters**
SUBJECT:	**Tobacco Control Ordinance for City of San Diego**

Today, we announced a proposal to ban smoking at all City parks and beaches. We were joined today by representatives from San Diego Coast Keeper, the Surfrider Foundation, the American Lung Association, the American Heart Association, the Vice Chair of the City's Park and Recreation Board , SD Fire and Life Safety Department, San Diego Park & Recreation Department, American Lung Association, Tobacco Free Communities Coalition, La Jolla Shores Association and the California League of Cities San Diego Division, Friends of Lake Murray and many supportive individuals.

We are asking that this matter be docketed at an upcoming meeting of the City Council's Natural Resources and Culture Committee for public input and committee discussion.

There are numerous reasons why a ban makes sense for San Diego – both from a public health, environmental protection and fire safety standpoint, not to mention the incredible litter and maintenance expense caused by irresponsible smokers.

We will forward to both you and the City Attorney a draft ordinance in the next couple of days, a rough draft of which is included here for your information:

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN DIEGO, CALIFORNIA

THE CITY COUNCILOF THE CITY OF SAN DIEGO DOES HEREBY ORDAIN AS FOLLOWS:

Findings and Purpose. The City Council of the City of San Diego hereby finds and declares that:

- The City of San Diego is committed to keeping its beaches and parks clean, safe, healthy, and pleasant for everyone.

- Smoking is hazardous to health. Numerous studies have shown that second hand smoke is significant public health hazard. The U.S. Environmental Protection Agency has classified second-hand smoke as a group A carcinogen, the most dangerous class of carcinogen. Smoking in parks and beaches endangers children and others by exposing them to second-hand smoke. Moreover, children and youth who observe smoking and tobacco use in public beaches and parks may model and behavior.

- The U.S. Centers For Disease Control and Prevention (CDC) estimates that second-hand smoke causes 3,000 lung cancer deaths per year among adult non-smokers in the U.S. The California Environmental Protection Agency has concluded that second-hand smoke causes 35,000 heart coronary heart disease deaths in non-smokers. Second-hand smoke is especially hazardous to particular groups, including those with chronic health problems, the elderly and children. The CDC has found that second-hand smoke causes children to suffer from lower respiratory tract illness, such as bronchitis and pneumonia, exacerbates childhood asthma, and increases the risk of acute chronic middle ear infection in children.

- Additionally, discarding cigarettes and cigar butts and tobacco onto the ground in City Parks and beaches is unsightly, unclean and particularly hazardous to small children who handle and sometimes ingest them. The City must collect Tobacco litter in parks and beaches or it will be collected by storm water and washed directly into our ocean waters in violation of the City's storm water pollution prevention permit and to the detriment of ocean life and all ocean users.

- The City Council therefore determines that banning smoking and the improper disposal of tobacco products in City parks is necessary to protect the health, safety and welfare of San Diego residents and visitors.

  The City of San Diego Municipal Code is hereby amended with the following:
  - To dump or deposit any trash, specifically including cigarette and cigar butts and tobacco, refuse, rubbish, litter, or other kind of waste materials, except in approved containers specifically placed and designated to receive such waste materials will be subject to a fine.

- The City of San Diego Municipal Code is hereby added to read as follows:

  - No person shall smoke within the boundaries of any public beach or park unless the City has designated a specific temporary or permanent signed smoking area.

Cc: Honorable Members of the City Council
Honorable Mayor Jerry Sanders
City Attorney Mike Aguirre
City Clerk Liz Maland
IBA Andrea Tevlin