



MEMORANDUM

Date: March 19, 2015
To: Board of Park Commissioners
From: Susanne Rockwell
Subject: Smoking Ban in Seattle Parks

Requested Board Action

Recommend to the Superintendent a ban on smoking per the description below. This comprehensive policy approach has been recommended by Public Health – Seattle & King County.

Staff Recommendation: Extend smoking ban to apply to all publically accessible portions of property under Parks' jurisdiction.

Proposed language to replace the current language in Parks Code of Conduct P 060 7.21.00 section 3.2.10:

It is a violation of these rules for any person to smoke or light cigars, cigarettes, hookahs, tobacco, or other smoking material, within all publically accessible portions of property under Parks' jurisdiction. For the purposes of this section, "smoke" or "smoking" means the carrying, holding, or smoking of any kind of lighted pipe, cigar or cigarette or any other lighted smoking equipment, but does not include any electronic smoking device in which vaporized liquid is inhaled through the use of heat from an electronic ignition system (for example, e-cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vape-pens).

The Superintendent may suspend this rule in writing for any permitted event not open to the general public, provided that no employees, children or animals are exposed to smoke, and provided further that such smoking shall not create any fire hazard or create any danger of damage to property, plants or any park feature.

Policy Description and Background (please see Appendix for additional information and resources)

Seattle Parks and Recreation's Code of Conduct consolidates the majority of behaviors which are prohibited in parks. The Code of Conduct is an administrative rule prohibiting specified behaviors in parks and at parks owned facilities. It outlines enforcement measures including withdrawing a person's permission to be in a park by issuance of Parks Exclusions.

CURRENT RULE. Currently, Parks Code of Conduct prohibits "smoking, chewing, or other tobacco use within 25 feet of other park patrons and in play areas, beaches, playgrounds, or picnic areas [is prohibited]." Parks Code of

Conduct 060 7.21.00, section 3.2.10. Parks adopted the partial smoking ban in 2010 in response to input from the Public Health – Seattle & King County and from Seattle City Councilmembers who expressed concern about the health impacts of smoking on youth in particular. The Parks Superintendent originally proposed an outright smoking ban as part of a Code of Conduct in January 2010. After listening to the public and the recommendation of the Board of Park Commissioners, the Superintendent instituted the more limited restrictions which are currently in the code.

OTHER JURISDICTIONS. Since Seattle’s consideration of an outright smoking ban in 2010, numerous other cities across the country have implemented them. Tobacco-free parks made national headlines in 2011 when New York City Mayor Michael Bloomberg signed legislation making all of the city’s parks, beaches and pedestrian plazas and boardwalks smoke-free. Previously the ban had just applied to children’s playgrounds. Also in 2011 Los Angeles County extended its smoking ban, which already covered beaches and playgrounds, to include municipal parks. San Francisco and Salt Lake City have also banned smoking in parks. In December 2013, the City of Boston extended their smoking ban from playgrounds to all City parks. And most recently, Philadelphia’s Mayor Michael Nutter signed into law a bill banning smoking in the city’s parks on April 29, 2014.

California leads the nation with 155 city bans on smoking in parks, followed by Minnesota and New Jersey. American Nonsmokers’ Rights Foundation lists 967 municipalities with smoke-free parks laws. Public Health - Seattle & King County’s *Report on Tobacco Policies in Local Parks, 2014*, states that there are four cities in King County that have made their parks 100% tobacco-free (Bothell, Shoreline, Woodinville and Burien), while another eight cities within the county had policy restrictions ranging from allowing smoking only in designated smoking areas, or prohibiting smoking in non-smoking areas, or prohibiting smoking in certain park types.

REASON FOR BAN ON TOBACCO. The reasons for smoking bans tend to fall into four categories:

1. Health concerns over the effects of second hand smoke on children, youth and other adults
2. Environmental impacts and maintenance concerns
3. Encouragement for smokers to quit
4. Ease of enforcement.

As an agency that has a fundamental mission to support the health and well-being of Seattle residents, it is appropriate and beneficial for Seattle Parks and Recreation to prohibit the use of tobacco products at parks and park facilities. The negative health impacts of tobacco and exposure to secondhand smoke are well documented and have immediate adverse effects on the cardiovascular system and can cause coronary heart disease and stroke. The Center for Disease Control reports that:

- Secondhand smoke causes nearly 34,000 premature deaths from heart disease each year in the United States among nonsmokers.
- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing heart disease by 25–30%.
- Secondhand smoke increases the risk for stroke by 20–30%.
- Secondhand smoke exposure causes more than 8,000 deaths from stroke annually.

In addition, Parks staff spend considerable time cleaning up cigarette butts that litter our parks. According to the Washington Department of Ecology, 480 million cigarette butts are littered in Washington State every year. Cigarette butts are not biodegradable and can take up to 15 years to decompose. During that time, they leach cadmium, arsenic, and other poisons into the soil. Cigarette butts may also be ingested by toddlers, pets, birds, and fish.

Enforcement

Enforcing Seattle's current 25-foot-from-another-patron rule is challenging in any park, and is nearly impossible in the pedestrian-heavy parks of downtown where many people are constantly moving about. Additionally, in small heavily-used parks that have a children's play space, such as Westlake, even if smokers are successfully kept at a distance of 25 feet from the play space, the children are not protected from second-hand smoke. A smoking assessment of Westlake Park conducted over four days in March, 2014 by Zoe Vitter, Graduate Research Assistant from the Center for Evidence-Based Crime Policy at George Mason University, determined that "Generally, about a quarter of people using the park at any given time were smoking."

The proposal of a smoking ban is ardently supported by the Downtown Seattle Association, the Friends of Westlake Park, and the Urban Experience Committee. Since the play space was installed in Westlake in 2013, some parents have verbally complained about secondhand smoke. Park Rangers concur that the enforcement of the 25-foot-from-another-patron rule is very challenging, especially in parks such as Victor Steinbrueck Park where the density of patrons and the size of the park provide few options.

Enforcement of the Code of Conduct, including a citywide ban on smoking in parks would work as follows:

1. Verbal warning and education - Patrons breaking the code would be asked to stop their behavior or leave the premises. Note this point is more of a courtesy to foster good will and to allow patrons to act responsibly.
2. Written trespass warning - If a patron refuses to act on a voluntary basis, they would then be issued a trespass warning.
3. Infraction citation, with a fee of \$27
4. Repeat offenders are in violation of the trespass warning and subject to arrest.

The extent to which officers and park rangers employ verbal warnings, written trespass warnings, and infractions will be discretionary based upon the park and circumstances. Arrest for trespass warning violation can only occur when the offender has *re-offended* or violated some other Park Rule within a designated period after having received a written trespass warning.

Most enforcement actions are expected to occur in the parks in the downtown core where there is already a proactive enforcement presence of both police and park rangers. While the police will have the capacity to enforce the smoking ban themselves, it is expected that verbal and written warnings will primarily be issued by Park Rangers. We would expect most violations to occur in Occidental Park, Victor Steinbrueck Park and Westlake Park, as these parks have the highest number of park users per square foot. Outside of the downtown area, police precincts will work with the community as needed to address enforcement and respond to calls for service related to smoking as resources allow.

Pending the outcome of the Board of Park Commissioners review and public process, the smoking ban could begin as early as June, with a soft rollout of enforcement for the first 30 days to allow for education and ramp-up. The ban does not pertain to marijuana use because that is already prohibited in parks under state law (RCW 70.160.050). Seattle Police officers currently hand out cards explaining the rules and regulations for smoking marijuana in public. The cards will be modified to include information on the citywide smoking ban in parks. In addition to the cards, Parks will initiate a social media education campaign and possibly partner with the American Heart Association and the American Lung Association for additional outreach and educational components.

Smoking Cessation Assistance

There are numerous smoking cessation programs available within the city and county, many of which are free of charge. The City of Seattle's Employee Assistance Program partners with Horizon Health to provide smoking cessation classes and programs free of charge for city employees. Other partnerships for programs available to the general public include: Group Health, UW Medicine, Plymouth Housing Group, Salvation Army, Union Gospel Mission, Bread of Life Mission, Downtown Emergency Service Center, Seattle Counseling Service, Entre Hermanos, Gay City, Asian Counseling and Referral Services, Consejo, Harborview, SeaMar, and Seattle Cancer Care Alliance, to name a few.

Key Policy Issues

Eliminating smoking in public parks clearly aligns with Parks Mission, and desired Outcomes regarding Healthy People and Healthy Environment.

While this is an administrative rule, there are those that might view the recommendation as 1) excessive government control and 2) the perception that the rule may be used as a tool to target poor and disenfranchised citizens who use parks as a place to spend their days. Implementing a city-wide ban on smoking in all parks and facilities would be the most equitable approach and straightforward to enforce and is consistent with other major cities across the country. The city-wide approach leaves no areas for ambiguity with the public or staff; if it's a park or park facility that is accessible to the public, there is no smoking of any sort allowed.

Public involvement process

We will provide a four-week comment period and a public hearing before the Board of Park Commissioners makes its recommendation. Following the Board recommendation there would be an official notice published and 30-day period before the ban would become effective.

The schedule is as follows:

- March 19 - Press release about public hearing; material available on the web and emailed to Park Board
- April 16 – Park Board briefing and public hearing – special session
- May 7 - Deadline for written comments
- May 14 - Park Board discussion and possible recommendation
- May 15 - Parks Superintendent makes ruling; ruling posted in the Daily Journal of Commerce for 30 days
- June 15 – Parks Superintendent makes the change to the Code of Conduct – administrative change

Additional Information

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References/Resources



Image from Public Health – Seattle & King County and the U.S. Department of Health and Human Services

Regulatory

RCW 70.160 Smoking in Public Places (formerly Washington clean indoor air act)
Seattle Municipal Code (SMC) Chapter 18.12 Parks Code
Parks Notice of Trespass SMC 18.12.279

Reports and Memos

Westlake Smoking Observations - City Auditors/SPD Report
Smoking Bans in Parks across the U.S. - Downtown Seattle Association
Washington State Department of Ecology (2007, April 12). Statewide litter campaign focuses on dangerous litter behavior. www.ecy.wa.gov/news/2007news/2007-083.html

Websites

http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm#overview
<http://www.clickondetroit.com/lifestyle/health/chicago-bans-smoking-in-all-580-city-parks/28000360>
<http://www.no-smoke.org/pdf/SmokefreeParks.pdf>
<http://www.kingcounty.gov/healthservices/health/tobacco/ctcp.aspx>
<http://www.bbc.com/news/world-europe-26785369>
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<http://westseattleblog.com/2014/08/west-seattle-weekend-scene-imagine-a-buttless-beach/>
1-800-QUIT NOW (1-800-784-8669) or www.quitline.com