



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2874

**Type:** City Code Amendments

**In control:** City Council A Session

**On agenda:** 4/11/2019

**Title:** Ordinance amending Chapter 36 of the City Code of San Antonio, Texas entitled "Smoking" to expand smoke free and tobacco free areas in City parks and public plazas. [Colleen M. Bridger, Interim Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Ordinance, 2. Ordinance 2019-04-11-0309

Date	Ver.	Action By	Action	Result
4/11/2019	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Health

**DEPARTMENT HEAD:** Jennifer Herriott, MPH

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUBJECT:

Proposed Changes to Chapter 36 of the City Code

### SUMMARY:

An ordinance amending Chapter 36 of the City Code to expand smoke/tobacco-free areas in City parks and public plazas.

### BACKGROUND INFORMATION:

Tobacco use is the leading cause of preventable disease, disability, and death in the U.S., according to the Centers for Disease Control and Prevention. Tobacco use is associated with cancer, heart disease, behavioral and learning disorders, drug use, and pregnancy complications. Tobacco use causes half a million deaths annually and has been responsible for 20.8 million premature deaths in the U.S. over the past 50 years since the

first Surgeon General's report on smoking in 1964. Nationally, the current amount of health care and lost worker productivity costs each year related to tobacco use is \$300 billion, according to the U.S. Department of Health and Human Services. In order to protect the health and safety of all citizens and park visitors, City of San Antonio parks and public plazas will become smoke/tobacco-free.

The SA Parks System Plan provides a foundation to guide future planning decisions impacting service delivery to the citizens of San Antonio concerning capital improvement needs, operations and recreation programs in parks. In developing the SA Parks System Plan, the Parks Department went through an extensive public engagement process and included under the draft plan's goal of parks being "Restorative" is the recommendation of smoke/tobacco-free parks. During the review of the draft plan with the general public and stakeholders, there was no opposition to the recommendation that parks be smoke/tobacco-free.

Council members received the draft SA Parks System Plan that included the smoke/tobacco-free parks recommendation in mid-December 2018 and the plan was presented to the Community Health and Equity Council Committee meeting on December 14, 2018 both as a public health solution as well as a response to public input to the SA Parks System Plan. The Parks and Recreation Board approved the inclusion of smoke/tobacco-free parks as a part of the approval of the SA Parks System Plan on March 25, 2019. Parks provided a briefing presentation on this issue to the Community Health and Equity Committee on March 28, 2019 and to the full City Council during B Session on April 3, 2019.

Tobacco use in park and public plaza areas is detrimental to the health of everyone who uses the parks system and can be offensive to those using recreational facilities. A tobacco-free policy provides the opportunity to change community norms around tobacco use and will help reduce youth tobacco use. Tobacco use is not part of a healthy lifestyle and this policy can play a part in reducing tobacco use in our community, which will eventually save lives.

This policy can complement the current standing smoke free ordinance and newly implemented Tobacco 21 ordinance. This policy will create a consistent tobacco-free policy throughout the City of San Antonio. By adopting this policy, the San Antonio community is helping reduce the rate of tobacco use in our community and is demonstrating their belief that tobacco use and secondhand smoke just don't belong in park areas and public plazas where people go to improve their fitness and enjoy nature.

## **ISSUE:**

The proposed revisions to Chapter 36 of the City Code (the "Smoking Ordinance") will prohibit the use of tobacco products in City parks and public plazas. Tobacco products means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device or liquids used in electronic smoking devices. Penalties for violations of the smoke/tobacco-free parks provision will be set at a maximum of \$200.

The current code only prohibits smoking in pavilions and playgrounds located within City-owned parks. The use of e-cigarettes, other electronic smoking devices, and non-combustible tobacco products also are not currently restricted by Chapter 36. The proposed revisions will restrict the use of all tobacco products in all City parks and public plazas.

The Directors of the Parks and Recreation, and Center City Development Departments will have the authority to designate temporary smoking areas for certain special events as deemed appropriate.

**ALTERNATIVES:**

If these changes to Chapter 36 of the City Code are not approved, the City Code would remain as is; use of tobacco products would not be restricted throughout City parks and public plazas.

**FISCAL IMPACT:**

This ordinance authorizes changes to Chapter 36 of the City Code and will prohibit the use of tobacco products in City parks and public plazas. This ordinance establishes a maximum fine of \$200 per violation of tobacco use in City parks and public plazas.

**RECOMMENDATION:**

Staff recommends approval of this ordinance, to amend Chapter 36 of the City Code (the “Smoking Ordinance”) to prohibit the use of all tobacco products in City owned Parks and public plazas (with exceptions as noted).