



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA RDA Regular Special

Meeting Date: June 23, 2020

Title: Ordinance No. 631-AC amending, in part, Chapter 2, Article VIII of the Needles Municipal Code expanding smoking prohibitions within the City to include playground areas and prohibiting the use of electronic smoking devices within City-owned facilities (1st reading - post)

Background: At the June 9, 2020 City Council meeting, an agenda item presented by the Needles Bright Futures Coalition was discussed and, on recommendation of the Parks & Recreation Commission, an ordinance was prepared to amend the city code to expand no smoking in playground areas and prohibiting the use of electronic smoking devices within city-owned facilities.

Critical Timeline: N/A

Fiscal Impact: Cost to prepare and process an ordinance and approximately \$1000 for signs in all parks/playgrounds

Recommendation: Waive the reading and order posted Ordinance No. 631-AC amending, in part, Chapter 2, Article VIII of the Needles Municipal Code expanding smoking prohibitions within the City to include playground areas and prohibiting the use of electronic smoking devices within City-owned facilities.

Submitted By: Parks & Recreation Commission

City Management Review: Rick **Date:** 6/18/20

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|------------------------------------|--|----------------------------------|---------------------------------|
| Approved: <input type="checkbox"/> | Not Approved: <input type="checkbox"/> | Tabled: <input type="checkbox"/> | Other: <input type="checkbox"/> |
| | | | Agenda Item: <u>10</u> |

ORDINANCE NO. 631-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDING, IN PART, CHAPTER 2, ARTICLE VIII OF THE NEEDLES MUNICIPAL CODE EXPANDING SMOKING PROHIBITIONS WITHIN THE CITY TO INCLUDE PLAYGROUND AREAS AND PROHIBITING THE USE OF ELECTRONIC SMOKING DEVICES WITHIN CITY OWNED FACILITIES

WHEREAS, at the May 26, 2020 City Council meeting, the Needles Bright Futures Coalition (“Coalition”) requested that the City implement a prohibition on smoking within City owned facilities including playground areas; and

WHEREAS, the City Council referred the matter to the Parks & Recreation Commission to assess the Coalition's concerns; and

WHEREAS, the Parks & Recreation Commission took public comment and considered the issue at its May 28, 2020 meeting, and unanimously approved a recommendation to the City Council to amend the Needles Municipal Code to expand its smoking prohibitions within the City to include playground areas and prohibit the use of electronic smoking devices; and

WHEREAS, the City Council now wishes to codify a prohibition on smoking within City owned facilities including playground areas to protect the health, safety, and welfare of City residents and visitors and enhance the experience of all playground patrons; and

WHEREAS, the City Council intends to amend Chapter 2, Article VIII of the Needles Municipal Code to include a prohibition on smoking, including the use of electronic smoking devices, in City owned and operated facilities and playground areas, for the purpose of restricting the harmful effects of smoking.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2-34, Definitions, of Chapter 2, Article VIII of the Needles Municipal Code is hereby amended to read as follows:

Sec 2-34. Definitions. For the purpose of this article, unless the context clearly requires a different meaning, the words and phrases set forth shall have the following meaning:

(a) Smoking means the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

(b) Electronic smoking device means any device that generates gases, particles or vapors released into the air as a result of combustion, electrical ignition or vaporization, including from an electronic or battery-operated smoking device that delivers vapors for inhalation of the gases, particles or vapors. Electronic smoking devices shall include every

variation and type of electronic or battery-operated smoking device that delivers vapors for inhalation whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.

(c) Playground equipment and/or area shall mean a twenty foot (20') circumference from the farthest outside point of any playground equipment and/or play area commonly used by children.

(d) Ballfield shall include all areas within a designated sports field whether or not defined by a fence or other exterior boundary.

(e) Bleachers shall be the seating area within any ballfield.

SECTION 2. Section 2-35, Smoking prohibited in certain city-owned facilities, of Chapter 2, Article VIII is hereby amended to read as follows:

Sec. 2-35. Smoking prohibited in certain city-owned facilities and playgrounds. Smoking shall be prohibited in the following city-owned facilities and playgrounds:

(a) City-owned office building located at 1111 Bailey Avenue, which shall include the city council chambers and the space currently leased to the County of San Bernardino;

(b) Needles recreation center located at 1705 J Street;

(c) Needles administrative facility located at 817 Third Street;

(d) The temporary modular golf clubhouse including any extensions or additions thereto and permanent cart barn located at 144 Marina Drive;

(e) All city-owned playground equipment and/or area including, but not limited to, Duke Watkins Park located at 1500 Flip Mendez Parkway and Jack Smith Park located at 1001 River Road;

(f) All city-owned ballfields including bleachers.

SECTION 3. The aforesated amendments shall be and are hereby made to the Municipal Code of the City of Needles to the extent stated only, but no further.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and posted pursuant to the provisions of law. This Ordinance shall take effect thirty (30) days after adoption.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 23rd day of June, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED AND ADOPTED, at a regular meeting of the City Council of the City of Needles, California, held on the 14th day of July, 2020 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(SEAL)

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

City Attorney