



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: April 19, 2010

FROM: CITY ATTORNEY

SUBJECT: AMENDMENT OF TOBACCO USE PREVENTION ORDINANCE

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 8.78.051 OF THE TOBACCO USE PREVENTION ORDINANCE IN THE PASADENA MUNICIPAL CODE TO PROHIBIT SMOKING ON THE BROOKSIDE CLUBHOUSE PATIO, IN THE BROOKSIDE STARTERS SHOP, AND ON PATHWAYS LEADING TO THE STARTERS SHOP, AND TO CLARIFY FURTHER THE GENERAL PROHIBITION AGAINST SMOKING IN PUBLIC PARKS

PURPOSE OF ORDINANCE:

The main purpose of this ordinance is to modify the City's Tobacco Use Prevention Ordinance to remove an exemption applicable to the Brookside Park Clubhouse Patio and other non-golf course areas to reduce further the public's exposure to secondhand smoke. An additional aim of this amendment is to clarify that the general prohibition against smoking in public parks includes marijuana smoking.

REASON WHY LEGISLATION IS NEEDED:

The City Council directed preparation of this amendment at its meeting of March 8, 2010. Although the Brookside Clubhouse Patio was exempted from smoking prohibitions based on a 2004 amendment of the Ordinance, in fact the management of the Brookside Clubhouse has not allowed smoking in the patio area and signs to that effect are currently in place. Additional signs will be placed in close proximity to the patio to identify outdoor non-smoking areas described in the ordinance. Removing the exemption language in Section 8.78.051 (B) of the Ordinance is consistent with actual practice at the Brookside Clubhouse Patio and conforms with City policy prohibiting smoking in the unenclosed areas of restaurants. The ordinance also clarifies that marijuana smoking is not allowed in public parks, which modification will assist in

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successful prosecution of such cases under Section 8.78.051 (A). Section 410 of the Pasadena City Charter requires that the municipal code be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Pasadena Public Health Department, Brookside Golf Course Clubhouse patrons, visitors, and the general public will be impacted by this ordinance.


FISCAL IMPLICATIONS:

Because the management of the Brookside Clubhouse has followed a practice of prohibiting smoking, amending the Ordinance should not have a negative impact on the operational revenues of the Clubhouse or result in added costs.

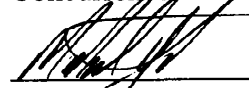
POLICY CHANGES:

This amendment is not a policy change for the City which has followed a program of incrementally decreasing the public's exposure to secondhand smoke in public places. This ordinance merely adds additional locations where residents and visitors will be protected from inhaling secondhand smoke, a Class A carcinogen.

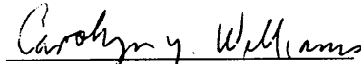
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Concurrence:


Michael J. Beck
City Manager

Prepared by:


Carolyn Y. Williams
Asst. City Attorney

Introduced by Councilmember _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 8.78.051 OF THE TOBACCO USE PREVENTION ORDINANCE IN THE PASADENA MUNICIPAL CODE TO PROHIBIT SMOKING ON THE BROOKSIDE CLUBHOUSE PATIO, IN THE BROOKSIDE STARTERS SHOP AND ON PATHWAYS LEADING TO THE STARTERS SHOP, AND TO CLARIFY FURTHER THE GENERAL PROHIBITION AGAINST SMOKING IN PUBLIC PARKS

The People of the City of Pasadena do ordain as follows:

SECTION 1. Title 8, Chapter 8.78. Section 8.78.051 of the Pasadena Municipal Code (“Prohibitions of smoking in public parks”) is amended to read as follows:

“8.78.051 Prohibition of smoking in public parks.

A. It is unlawful for any person to possess a burning tobacco or tobacco-related product, including but not limited to cigars and cigarettes; **to possess a burning marijuana cigarette, or other smoking implement containing marijuana;** to chew tobacco or tobacco-related products; to dispose of lighted or unlighted cigars, cigarettes, cigarette butts **or marijuana butts**, or any other tobacco-related waste, in or upon any dedicated city park, playground or recreation center.

B. The Brookside Golf Course ~~and clubhouse patio~~ shall be exempt from this restriction.

C. No smoking shall be permitted on the Brookside Park Clubhouse Patio, and in the area between the Clubhouse Patio and the Starters Shop,

including the right and left side pathways leading from the Clubhouse Patio to the Starters Shop.”

SECTION 4. This ordinance shall take effect thirty (30) days after its publication.

Signed and approved this _____ day of _____ 2010

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting of _____, 2010, by the following vote:

AYES:

NOES:

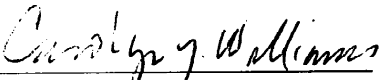
ABSTAIN:

ABSENT:

Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Carolyn Y. Williams
Asst. City Attorney