



**PLEASANT HILL RECREATION & PARK DISTRICT
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
BOARD OF DIRECTORS**

IN THE MATTER OF **ORDINANCE 2011-05-25**
**AN ORDINANCE OF THE PLEASANT HILL RECREATION & PARK DISTRICT TO
REGULATE SMOKING AND USE OF TOBACCO PRODUCTS IN DISTRICT PARKS,
FACILITIES AND OPEN SPACE**

THE PLEASANT HILL RECREATION & PARK DISTRICT BOARD OF DIRECTORS DOES HEREBY
ORDAIN THAT THE FOLLOWING ORDINANCE BE ESTABLISHED TO HELP PROVIDE FOR THE
PUBLIC'S SAFETY WHILE USING DISTRICT PARKS, FACILITIES AND OPEN SPACE:

SECTION I – FINDINGS

The Pleasant Hill Recreation & Park District hereby finds and declares as follows:

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States;ⁱ accounting for about 443,000 deaths each year;ⁱⁱ and
- Scientific studies have concluded that tobacco use can cause chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;ⁱⁱⁱ and
- Some of the most common types of cancers including stomach, liver, uterine, cervix, and kidney, are related to tobacco use;^{iv} and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;^v and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;^{vi} and
- The California Environmental Protection Agency included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm;^{vii} and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Secondhand smoke is responsible for as many as 73,000 deaths among nonsmokers each year in the United States;^{viii} and
- Exposure to secondhand smoke increases the risk of coronary heart disease by approximately thirty percent;^{ix} and
- Secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis in as many as 300,000 children in the United States under the age of 18 months each year;^x and exacerbates childhood asthma;^{xi} and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2004, American poison control centers received nearly 8,000 reports of children poisoned by the ingestion of cigarettes, cigarette butts, and other tobacco products;^{xii} and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;^{xiii} and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- It is estimated that over two billion cigarette butts are discarded every day worldwide, and that Americans alone discard more than 175 million pounds of cigarette butts every year;^{xiv} and
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons and ultimately the ocean;^{xv} and
- Cigarette filters, made of plastic cellulose acetate, take approximately 15 years to decompose;^{xvi} and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lot sandbox areas and expressly authorizes local communities to enact additional restrictions;^{xvii} and state law prohibits smoking within 20 feet of entryways and operable windows of public buildings;^{xviii}

NOW THEREFORE, it is the intent of the Pleasant Hill Recreation & Park District, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they recreate; by reducing the potential for children to wrongly associate smoking with a healthy lifestyle; and by affirming and promoting a healthy environment in and around the District's parks, facilities and open spaces.

SECTION III - DEFINITIONS

The following words and phrases, whenever used in this ordinance, shall have the meanings defined in this section unless the context clearly requires otherwise:

"Recreational Area" means any area, including streets and sidewalks, that is owned or operated by Pleasant Hill Recreation & Park District and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, horseback riding trails and swimming pools.

"Tobacco" means a substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, and smokeless tobacco.

SECTION IV - SMOKING AND RELATED PROHIBITIONS

1. Tobacco smoking is prohibited in all Recreational Areas and places within the District, including but not limited to:
 - a. All District parks (including parking lots for the parks).
 - b. All District facilities (including parking lots).
 - c. All District designated open space areas (including parking lots).
 - d. All hiking trails owned or operated by the District.
2. Disposing of tobacco related waste is prohibited in all Recreational Areas and places within the District, including parking lots.

3. Use or disposal of any tobacco product, whether or not capable of being smoked, is prohibited in all Recreational Areas and places within the District.

PASSED AND ADOPTED on May 25, 2011, by the following vote:

AYES: Bonato, Donaghu, Glover

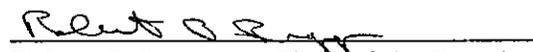
NOES:

ABSENT: Shepard, Sterrett



Sandra Bonato, Chair

I hereby certify that the foregoing ordinance was approved by the vote indicated herein above at the regular meeting of the Board of Directors on May 25, 2011.


Robert B. Berggren, Clerk of the Board

ⁱ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Targeting Tobacco Use: The Nation's Leading Cause of Preventable Death*. 2008, p.2. Available at:

www.cdc.gov/nccdphp/publications/aag/pdf/osh.pdf

ⁱⁱ US Department of Health and Human Services, Centers for Disease Control and Prevention. "Smoking-Attributable Mortality, Years of Potential Life Lost, and Productivity Losses-- United States, 2000-2004." *Morbidity and Mortality Weekly Report*, 57(45): 1226-1228, 2008. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5745a3.htm.

ⁱⁱⁱ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Targeting Tobacco Use: The Nation's Leading Cause of Preventable Death*. 2008, p.2. Available at:

www.cdc.gov/nccdphp/publications/aag/pdf/osh.pdf

^{iv} Leistikow B, Zubair K, et al. "Male Tobacco Smoke Load and Non-Lung Cancer Mortality Associations in Massachusetts." *BMC Cancer*, 8:341, 2008. Available at: ww.biomedcentral.com/1471-2407/8/341.

^v US Department of Health and Human Services, Office of the Surgeon General. 2007. Report highlights available at: www.surgeongeneral.gov/library/secondhandsmoke/factsheets/factsheet7.html.

^{vi} Resolution 06-01, Cal. Air Resources Bd. (2006) at 5. Available at: www.arb.ca.gov/regact/ets2006/res0601.pdf; See California Environmental Protection Agency, Air Resources Board. *News Release California Identifies Secondhand Smoke as a "Toxic Air Contaminant."* Jan. 26, 2006. Available at: www.arb.ca.gov/newsrel/nr01206.htm.

^{vii} California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*. 2006, p. 8 & 17. Available at: www.oehha.ca.gov/prop65/propr65_list/files/P65single081106.pdf.

^{viii} US Department of Health and Human Services, Center for Disease Control and Prevention. *Fact Sheet - Secondhand Smoke*. 2006 Available at:

www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm.

^{ix} Barnoya J and Glantz S. "Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking." *Circulation*, 111:2684-2698, 2005. Available at: www.circ.ahajournals.org/cgi/content/full/111/20/2684.

^x US Department of Health and Human Services, Centers for Disease Control and Prevention. *Targeting tobacco Use: The Nation's Leading Cause of Preventable Death*. 2008, p.2. Available at:

www.cdc.gov/nccdphp/publications/aag/pdf/osh.pdf.

^{xi} US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet - Secondhand Smoke*. 2006. Available at:

www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm.

^{xii} American Association of Poison Control Centers. *2004 Annual Report of the American Association of Poison Control Centers Toxic Exposure Surveillance System*. Elsevier Inc., 2004, p. 645. Available at:

www.poisson.org/prevent/documents/TESS%20Annual%20Report%202004.pdf.

^{xiii} US Department of Health and Human Services, Center for Disease Control and Prevention. "Ingestion of Cigarettes and Cigarette Butts by Children - Rhode Island, January 1994-July 1996." *Morbidity and Mortality Weekly Report*, 46(06): 125-128, 1997. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm.

^{xiv} Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, www.surfridersd.org/hotyb.php.

^{xv} Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, ww.surfridersd.org/hotyb.php.

^{xvi} Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, www.surfridersd.org/hotyb.php.

^{xvii} Cal. Health & Safety Code § 104495 (West 2008).

^{xviii} Cal. Government Code § 7597 (West 2008).