

COUNCIL ACTION FORM

SUBJECT: ORDINANCE AMENDMENT PROHIBITING LITTERING IN THE PARK SYSTEM AND PARKING LOTS

BACKGROUND:

At their January 31, 2008 Parks and Recreation Commission meeting during a discussion related to making the park system tobacco free, commissioners became aware that an existing ordinance does not adequately address litter associated with smoking activities in parks. Specifically, ordinance Sec. 17.9 (Attachment A) only prohibits the disposal of gum, tobacco quid, cigar and cigarette stubs to sidewalks, floors of any public building, hallways, steps, cellarway, stairway, windows, and public motorbus or depot platforms. To address this issue, the Commission unanimously requests that the City Council amend this ordinance to include City "parks and parking lots".

The Parks and Recreation Commission is still proceeding to collect information on the overarching issue of making the park system tobacco free and will return to Council with a report at a later time, but this amendment seems appropriate regardless of that later discussion.

ALTERNATIVES:

1. Refer this issue to the City Attorney for preparation of an amendment to ordinance 17.9 to include "parks and parking lots".
2. Do not refer this to the City Attorney for an amendment change.

MANAGER'S RECOMMENDED ACTION:

During their discussions related to the park system and facilities becoming tobacco free, the Parks and Recreation Commission learned that the City Code does not make it illegal to dispose of gum and tobacco products in parks and parking lots. To address this oversight, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing the City Attorney to prepare an ordinance amendment to include "parks and parking lots".

ATTACHMENT A

Sec. 17.9. DEPOSITING GUM, TOBACCO.

(1) It is unlawful to deposit any gum, tobacco quid, cigar or cigarette stubs in, upon or against any sidewalk or upon the floor, of any public building, hallways, steps, cellarway, stairway, windows, public motor bus or depot platform.

(2) Violation of this Section shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.

(3) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.
