



CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: Barbara Lipscomb, City Manager

Date: January 10, 2011

Subject: Resolution 11-2213 - Amending the Parks Administrative Rules Regarding the Use of Tobacco Products

Introduction: Resolution 11-2213 provides for consideration to amend the Parks Administrative Rules to further regulate the use of tobacco products in City of Casselberry public parks.

Background: Current regulations prohibit smoking in parks under one acre in size, and restrict smoking to designated areas in parks greater than one acre in size. The regulations also prohibit smoking in public buildings or within 20 feet of the entrance of any public building while directing smokers to deposit their trash in proper receptacles. However, it was recently brought to the attention of the City Commission that the use of tobacco products has become increasingly common in the parks during youth sports activities. Based on statistics from the American Cancer Society, there is a legitimate concern that this secondhand smoke can adversely affect the health of the children and others in the area.

Discussion: In an effort to regulate the use of tobacco products in public parks, Resolution 11-2213 amends the current Parks Administrative Rules to prohibit the use of tobacco products during all times in all areas within the defined perimeter of City owned or operated parks utilized for organized youth athletic activities. The defined perimeter is the area that encompasses all athletic fields, spectator stands, concession areas, restroom areas, walking or congregating areas, and all intervening spaces. In addition, due to State pre-emption of regulation of smoking, Resolution 11-2213 also amends the existing Parks Administrative Rules language regarding smoking to instead reference the use of tobacco products.

Recommendation: The City Manager and the Public Works Director recommend approval of Resolution 11-2213.

Prepared by: Jose Chaves, E.I., Special Projects Coordinator

Reviewed by: Mark D. Gisclar, Public Works Director

Attachments: Resolution 11-2213
Attachment A – Parks Administrative Rules

RESOLUTION 11-2213

“A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CASSELBERRY, FLORIDA, AUTHORIZING THE AMENDMENT OF THE PARKS ADMINISTRATIVE RULES REGARDING THE USE OF TOBACCO PRODUCT IN PUBLIC PARKS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.”

WHEREAS, the City Commission has expressed its concern with the use of tobacco products in City owned or operated parks; and

WHEREAS, City Code of Ordinances Section 60-12(b). Alcoholic beverages/tobacco products states it is unlawful for a person to possess or consume any tobacco product in certain areas of City Parks, as set forth in the rules promulgated by the City; and

WHEREAS, the City Commission has determined that the Parks Administrative Rules need to be modified regarding the use of tobacco products.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CASSELBERRY, FLORIDA, AS FOLLOWS:

SECTION I. The City Commission of the City of Casselberry hereby approves Resolution 11-2213 and authorizes the revisions to the Parks Administrative Rules (Attachment A) prohibiting the use of tobacco products in public parks. In the Parks Administrative Rules deleted text is shown in ~~strike through~~, and new text is shown underlined.

SECTION II. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION III. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION IV. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED this _____ day of _____, AD 2011.

ATTEST:

Donna G. Gardner
City Clerk

Charlene Glancy
Mayor/Commissioner

ATTACHMENT "A"

PARKS OPERATIONS - ADMINISTRATIVE RULES

1. Sponsorship Guidelines

- a. Persons or entities desiring to participate as sponsors for City events or City co-sponsored events and vendors must complete a Sponsorship Application available from the Parks and Recreation Department and adhere to the sponsorship guidelines set forth in the application.

2. Dogs in Parks

- a. Dogs are permitted in public parks and trails provided they are under the continuous control of the owner and on a leash of six feet or less.
- b. Owners are responsible for cleaning up after their pets.
- c. Aggressive or misbehaving dogs will be required to leave the park.
- d. Dogs are not permitted in playgrounds or on athletic fields.
- e. Pets are not permitted in any facility without permission of the City staff.
- f. The Parks Department reserves the right to create and enforce rules specific to any leash optional Dog Park.

~~3. Smoking in Parks~~

- ~~a. Smoking is prohibited in parks under one acre in size.~~
- ~~b. Smoking in parks greater than one acre in size is restricted to designated areas.~~
- ~~c. Smokers are responsible for depositing their trash in proper receptacles.~~
- ~~d. Smoking is prohibited in any public building or within 20 feet of the entrance of any public building.~~

3. Tobacco products in Parks

- a. The use of tobacco products is prohibited in parks under one acre in size.
- b. The use of tobacco products in parks greater than one acre in size is restricted to designated areas.
- c. Tobacco products must be deposited in the proper receptacles.
- d. The use of tobacco products is prohibited in any public building or within 20 feet of the entrance of any public building.
- e. The use of tobacco products is prohibited during all times in all areas, within a defined perimeter at City owned or operated parks used for organized youth athletic activities. The defined perimeter is the areas that encompasses all athletic fields, spectator stands, concession areas, restroom areas, walking or congregating areas, and all intervening spaces. This area is often times, but not exclusively, outlined by perimeter fencing with gates at points of entry.

4. Parking for non-park use

- a. Parking on park property of vehicles when not related to park or recreational use is strictly prohibited.

5. Health Concerns

- a. The City staff reserves the right to remove any participant from a park or any program who may pose a health concern to other participants.

6. Background checks

- a. To the greatest extent possible, all volunteers will undergo a background check before participating in parks and recreation activities and or events.

7. Alcoholic beverages

- a. The sale, consumption and possession of alcoholic beverages is only permitted at parks or within buildings, facilities, parks and recreational facilities owned or controlled by the City for City-sponsored or co-sponsored events when specifically authorized by the Parks and Recreation Director under such terms as the Parks and Recreation Director may impose for the protection of the health, safety and welfare of the public and in compliance with state beverage laws; provided, however, that authorization by the Parks and Recreation Director is not required if the sale, consumption and possession of alcoholic beverages is permitted pursuant to the City of Casselberry Municipal Code of ordinances.

8. Friends, Family or employee use of facilities

- a. Friends, families and employees may use the facilities and equipment in a manner equivalent to the public. Where appropriate, employees will be charged fees at the same rate as residents.

9. Insurance for contractors

- a. All contractors providing "active" programming are required to provide and maintain insurance naming the City of Casselberry as additionally insured.
- b. Insurance levels will be set by the Parks and Recreation Department depending upon the activity.

10. Utilization of facilities and polling places

- a. The City of Casselberry reserves the right to cancel all programs in order to provide, in conjunction with the Seminole County Supervisor of Elections, a place for polling.

11. City Parks

- a. The following areas are considered City parks in the City of Casselberry. This list will change as new parks are added.
 - i. Anniversary Park
 - ii. Branch Tree Park
 - iii. Crystal Bowl Park
 - iv. Dew Drop Park
 - v. Forest Brook Park
 - vi. Lake Hodge Park
 - vii. Lancelot Park
 - viii. Plumosa Oaks Park
 - ix. Rotary Park
 - x. Secret Lake Park
 - xi. Sportsman's Park
 - xii. Sunnyside Park
 - xiii. Sunset Park
 - xiv. Veterans Park
 - xv. Wirz Park
 - xvi. Zinnia Drive Bike Trail
 - xvii. Middle Lake Triplet Boat Ramp

12. Special Activities

- a. Special activities such as remote control airplanes, archery or other non-traditional uses may be granted a permit depending upon the following criteria:
 - i. Location
 - ii. Space
 - iii. Size
 - iv. Activity
 - v. Safety
 - vi. Potential Disruption
 - vii. Conflict with others
 - viii. Liability
 - ix. Insurance
- b. Decisions by City Staff are final.

13. Group Activities Rental Permit

- a. Rentals of park facilities must have completed a Rental Permit form available from the Parks and Recreation Department and provided payment before the rental is to take place.
- b. Reservations are not granted without payment.
- c. All park and rental rules and regulations must be adhered to.
- d. City staff may grant a waiver from the rules if it is in the best interest of the City of Casselberry and its parks system.

14. Bicycles and Skateboards

- a. Bicycles, scooters and skateboards are permitted in parking lots and on trails only.
- b. No bicycles, scooters, or skateboards are permitted on sidewalks within the parks, tennis courts, basketball courts, or playgrounds.

15. Metal Detectors

- a. The use of metal detectors for recreational purposes is prohibited in the parks.

16. Overnight Camping

- a. Overnight camping is prohibited in the parks without a permit from the Parks and Recreation Department. Permits will only be granted to organizations, not individuals, who demonstrate safe practices, experienced leadership, and a respect for the park and its natural surroundings.

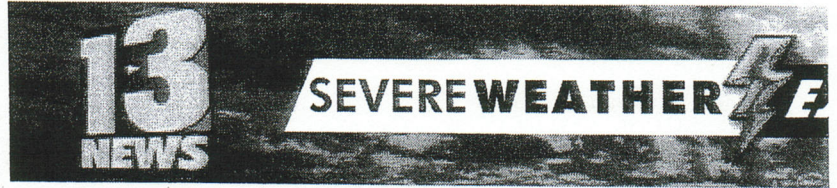
17. Music in parks

- a. Amplified or loud music in the parks is prohibited without a permit from the City of Casselberry.

18. Boat Launching

- a. City Boat ramps may not be used by motorboats or personal watercraft. Motorboats include any boat powered by a mechanical engine. A personal watercraft means a class A inboard vessel, as defined by the United State Coast Guard, which uses an internal combustion engine.

- b. The boat ramps may be used by City officials or their agents as needed in the interest of the public and shall include motorized use if or where appropriate.
- c. With the exception of b. launching a motorboat from a City park is prohibited.



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Health Department wants outdoor smoking ban



By Dave D'Marko, Reporter
Last Updated: Monday, October 11, 2010 6:00 AM

ORLANDO -- Smokers may want people to butt out of their business, but the Orange County Health Department is going "all in" it.

VIDEO STORIES

Smoking ban proposed

This week they announced a \$6.6 million campaign called the All In Project. The goal is to convince city and county leaders to ban smoking in Orlando and Orange County parks and on college campuses.

"You don't want to go in a public area and be breathing somebody's smoke," Orange County resident Mike Glaspy said.

The reason the health department is pushing for this is because they said second hand smoke kills 130 people a year in Orange County alone.

Indoor smoking bans have become almost the norm around the country, but outdoor bans are usually reserved for immediately outside building entrances. Fans wanting to smoke at the Amway Center will have to do it 25 feet away from the building.

Many point out campuses and parks are often several acres.

"I don't know about the particles or particulates that may be available to someone 100 feet away, I'm sure it exists," Resident Rusty Jester said.

Cary Graziano is angry about the campaign, but not for the reason you might think.

"Because of smokers now, we are spending \$6.6 million to get them to not smoke, if we didn't smoke we wouldn't be wasting this money," Graziano said.

The project isn't being funded locally, the county got a grant from the U.S. Department of Health and Human Services. Money will also be spent on youth education and programs designed to help people stop smoking.

I-POLL

Should smoking be banned at parks and college campuses in Central Florida?

Yes (41%)

No (59%)

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[Resources on how to stop smoking](#)

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Current Tobacco free Parks and Rec areas passed in Florida

1	Sandy	Santa Rosa County	Ordinance – The smoking of tobacco as defined in Florida Statute 386.203 shall be prohibited in any county park where such prohibition is posted...
2	Bryan	Port St. Joe	Ordinance – The use of tobacco products is prohibited during all times in all areas at city owned or operated property or parks used for youth organizations or league activities...
3	Leah	Madison County	Resolution – The Madison County Recreation park shall be considered a tobacco-free zone and signage will posted on said property designating it as a tobacco-free zone...
4	Leah	Perry	Resolution - The city parks, including picnic areas, sports areas, and parking lots be designated as tobacco free zones...
5	Leah	Taylor County	Ordinance – Use of all tobacco products prohibited in county sports complex...
6	Debbie	Ormond Beach	Ordinance – Smoking is prohibited on any portion of the following municipal properties...The Director shall designate one or more areas within these properties as smoking areas...
7	Debbie	Palm Coast	Ordinance - It is unlawful for any person to possess or consume any tobacco product in any City Park in an area that is posted or noticed as a “non-smoking” area or if instructed by a City employee that an area has been designated as a “non-smoking” area due to its particular usage.
8	Debbie	South Daytona	Ordinance – Smoking shall be allowed in city parks except in no-smoking areas...no smoking areas are designated by the city manager...
9	Debbie	New Smyrna Beach	Policy – Use of tobacco products prohibited in the Sports Complex Facility and all city facilities.
10	Debbie	Holly Hill	Ordinance – Prohibits smoking and/or the use of tobacco products at designated youth athletic fields/parks...
11	Debbie	Port Orange	Ordinance – It shall be unlawful for any person to possess an ignited tobacco product or to consume by smoking any tobacco product on any portion of the public property in the city ...(lists parks)
12	Lucy	St. Pete	Policy – all outdoor facilities while being used by youth participants are designated tobacco free areas.
13	Tamara	Casselberry	Ordinance – It is unlawful for a person to possess or consume any tobacco product in certain areas of City Parks...
14	Tamara	Oviedo	Ordinance – It is unlawful for a person to possess or consume any tobacco product I certain area of City Parks...
15	Tamara	Tavares	Ordinance – Smoking prohibited in the following parks...
16	Tamara	Leesburg	Policy – Smoking not permitted in the park (includes 11 parks)
17	Tamara	St. Cloud	Ordinance – It shall be unlawful for any person to possess any ignited tobacco product or to consume by smoking any tobacco product on any portion of the public property where youth athletic activities occur...
18	Darlene	Titusville	Policy – Outdoor no smoking areas involve all areas in and around the youth athletic fields where spectators and participants congregate...
19	Darlene	Rockledge	Policy – Outdoor no smoking areas involve all areas in and around the youth athletic fields where spectators and participants congregate...
20	Darlene	Brevard County	Policy – Outdoor no smoking areas involve all areas in and around the youth athletic fields where spectators and participants congregate...
21	Darlene	Martin County	Policy – Smoking is prohibited inside the dockside pavilion and 50 ft from

			all entrances/exits.
22	Jennifer	Hendry County	Ordinance -The use of tobacco products is prohibited during all times in all areas... when used for youth organization or league activities...
23	Jennifer	Sarasota County	Ordinance – the use of tobacco products is prohibited during all times in all areas, within a defined perimeter,...at parks used for organized youth athletic activities...
24	Jennifer	DeSoto County	Policy – Tobacco products will not be allowed within the playground areas and all park areas of Brewer Park. ...
25	Jennifer	North Port	Ordinance – smoking shall be prohibited at all times at the Skate Park and during organized youth activities at the Narramore Sports Park.
26	Jennifer	Punta Gorda	Ordinance – No juvenile may be in possession of any cigarette. Smoking is hereby prohibited in the following areas (includes 4 parks)...
27	Jennifer	Cape Coral	Ordinance – Smoking is prohibited in bleacher areas and dug outs in and around ballfield areas.
28	Jennifer	Marco Island	Ordinance - No person shall be permitted to smoke cigarettes, cigars, and/or pipes or consume any tobacco products in city parks except in those locations specially designated for the above purposes...
29	Jennifer	Bonita Springs	Ordinance – Smoking is not permitted in areas as designated by the Parks and Recreation Manager...
30	Jennifer	Sarasota	Resolution – Prohibits the use of cigarettes, cigars, or any tobacco products “within any Public Beach Park or on any portion of a Beach...except in smoking areas...
31	Jennifer	Sanibel	Ordinance —The use and/or disposal of any tobacco products at or on such Community Park property is hereby prohibited...
32	Jennifer	Venice	Ordinance – The use of cigarettes, cigars, or any tobacco product is prohibited at any public beach or beach park... excluding designated smoking areas...
33	Pam	Broward County	Ordinance – It shall be unlawful for any person to smoke cigarettes, cigars, pipes or any other smoking apparatus on playing fields and playgrounds ...or any other areas no designated as a smoking area...
34	Pam	Coconut Creek	Policy - Prohibits smoking in certain specified park and recreation areas...
35	Pam	Cooper City	Ordinance - No person shall be permitted to smoke cigarettes, cigars and/or pipes or consume any other types of tobacco products...except in specially marked and designated smoking areas...
36	Pam	Coral Springs	Ordinance - It shall be unlawful for any person to smoke on playing fields and playgrounds, bleacher areas, dugouts, around team seating areas, concession areas, and restrooms...
37	Pam	Dania Beach	Ordinance – It is unlawful for any person to smoke any tobacco product within the following areas; upon or within fifty feet of any playing field, court, rink, team seating area, dugout, bleacher, spectator area, playground, concession stand, recreation building or restroom.
38	Pam	Davie	Ordinance - It shall be unlawful for any person to smoke cigarettes, cigars, pipes or any other smoking apparatus on playing fields and playgrounds, or any other areas no designated as a smoking area...
39	Pam	Lauderdale Lakes	Ordinance – No tobacco products, including cigarettes, cigars, chewing tobacco or snuff, shall be permitted to be smoked, consumed, or chewed

			in a park.
40	Pam	Oakland Park	Ordinance – No person shall smoke, ignite or hold an ignited cigarette, cigar, pipe or other device containing a tobacco product or other substance in areas designated by the director as NO SMOKING areas within the park.
41	Pam	Parkland	Ordinance - It shall be unlawful for any person to smoke or chew tobacco on the grounds of any public park operated by the City of Parkland.
42	Pam	Pembroke Park	Ordinance - It shall be unlawful for any person to smoke cigarettes, cigars, pipes or any other smoking apparatus on playing fields and playgrounds ...or any other areas no designated as a smoking area...
43	Pam	Pembroke Pines	Ordinance - It shall be unlawful for any person to smoke cigarettes, cigars or pipes...within 25 feet of the entranceway, bleacher areas, dugouts, in and around team seating areas, concession areas and restrooms...
44	Pam	Sunrise	Ordinance - It is unlawful to smoke any tobacco product outdoors in the following areas of any city park; within 30 feet of children’s playgrounds, sports playing fields, or food service area....
45	Pam	Weston	Ordinance - It is unlawful to smoke any tobacco product within the following park and recreational areas: playing fields, courts, rinks, around team seating areas or dugouts, bleacher or spectator areas, playgrounds, concession stands and restrooms...
46	Sybil	Doral	Ordinance - Smoking shall be prohibited in all developed City parks, with the exception of parking lots and expressly designated areas, if any...
47		ChIPLEY	Ordinance – It shall be unlawful to consume or use tobacco products of any kind in any city park or recreational facility of the city...
48		Cocoa	Policy – Same as Brevard County. Outdoor no smoking areas involve all areas in and around the youth athletic fields where spectators and participants congregate...
49	Debbie	Putnam County	Resolution - Therefore, be it resolved that it is prohibited for a person to use or consume tobacco products in any County Park.
50		Moore Haven	