

CITY COUNCIL COMMUNICATION



| | |
|--|--------------------------|
| MEETING DATE: June 25, 2019 | ITEM NUMBER: 9.B. |
| SECOND READING: July 09, 2019 | O-2019-36 |
| TYPE OF ITEM: Consent | |
| PRESENTED BY: Kimberlee McKee, LDDA Executive Director; Shawn Lewis, Assistant City Manager | |

SUBJECT/AGENDA TITLE: A Bill For An Ordinance Amending Chapter 9.40 of the Longmont Municipal Code on Regulation of Smoking

EXECUTIVE SUMMARY: On April 16, LDDA staff provided a number of updates regarding ongoing initiatives related to improving the safety and general appearance of downtown. During the discussion, LDDA and City staff asked City Council if they would like staff to bring back a draft ordinance for Council review that created a smoke free campus on Main Street sidewalks and breezeways (smoking would continue to be allowed in alleys).

City Council voted 4-3 to bring back a draft ordinance for consideration. See attached ordinance and map of smoke free campus.

COUNCIL OPTIONS: Approve the ordinance; modify and approve the ordinance; take no action/reject the ordinance.

RECOMMENDED OPTIONS: Approve the ordinance.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION: N/A

BACKGROUND AND ISSUE ANALYSIS:

Relationship to Council Work Plan

Section B: Vision for Longmont's Places

In 20 years, Longmont will have a developed Main Street from Pike Road to Highway 66, and a river corridor that stretches from the Sugar Mill to the Fairgrounds as a vibrant economic, residential, cultural and entertainment epicenter that is sustainable and respects the natural environment. This area will:

- Goal B1: Have a diverse housing stock with higher densities, access to high quality public transportation, food and jobs
- Goal B3: Become a nationally recognized geographic center of science, technology, engineering, education, arts, and entrepreneurialism



The continued redevelopment and vitalization of Downtown is based in large part on ensuring that the area is well maintained and safe. The updates and policy proposals herein are aimed at improving the maintenance of the physical components of Downtown and improving the health and safety of all people who visit, work or live in Downtown. In turn, this will help achieve items B1 and B3 to create a vibrant economic, residential, cultural, and entertainment district of the city.

Cigarette Litter Grant Survey

The LDDA received its 3rd Cigarette Litter Grant from Keep America Beautiful in 2018. Part of the grant program required installing cigarette receptacles, reviewing current smoking ordinances, and conducting public education. A smoking prohibition is not currently applied to the downtown district other than City-wide restrictions inside buildings and within fifteen feet of doorways.

The LDDA conducted a smoking survey to downtown businesses and the general public regarding cigarette litter and smoking. In addition, we provided education about cigarette butt litter and smoking. Working with a Boulder County Public Health Tobacco Community Health Specialist, we formulated the surveys and inquired about smoking restrictions and designated smoking areas in other Downtowns. In Colorado, cities or towns with smoke-free downtowns or zones include: Boulder, Denver, Fort Collins, Glenwood Springs, Golden and Littleton. There are also at least 15 other cities or towns in Colorado that have other protections that apply to downtown businesses like smoke-free outdoor dining or perimeter protections greater than 15 feet. Examples include Louisville, Superior, Arvada, Firestone, and Pueblo.

During data collection, the business and general public surveys indicted strong support of smoking restrictions downtown (greater than 60%) and most voted that Main St. (over 50%) and the breezeways (over 40%) were the most important areas to restrict smoking. Designated smoking areas were also supported in the survey (more than 65%).

The LDDA is recommending an additional smoking restriction in Downtown on Main St. between 1st Ave. and Longs Peak Ave. and around the corners on the Avenues to the alleys, as well as the east and west breezeways off Main St. between 3rd and 6th Ave. The areas on Main St. and Avenues would include the entire sidewalk and street and the breezeways and plazas, including the entire walkway, including the adjacent Los Arcos pocket seating areas at the end of the breezeways on the east side of Main St. See map attached.

Public Input & Analysis

The LDDA provided several opportunities for businesses and community members to provide feedback and thoughts about cigarette litter and secondhand smoke. The analysis of smoking Downtown included online surveys to both Downtown businesses and the City of Longmont general public. Surveys were distributed by email and flyer to businesses and via the following outlets to the general public: neighborhood groups, social media, Times Call, and City of Longmont emails. We received 161 business responses and 708 general public responses. Details of the surveys, including comments themes, can be found Attached.

Additional Background Information

Currently there are no smoking restrictions in the Downtown Longmont District other than those applied throughout the rest of the City (no smoking inside businesses and within a certain number of feet from building entrances). In 2018 the City of Longmont passed a Smoking Ordinance that designated the following City public buildings as smoke free zones/campuses: Library, Civic Center, Memorial Building and Senior Center. The Colorado Clean Air Act is a state ordinance that prohibits smoking within 15 feet of any public entrance, however, it is not actively enforced.

These smoke-free rules reduce exposure to secondhand smoke, decrease cigarette litter, and improve air quality. In 2006, the U.S. Surgeon General reported there is no safe level of exposure to secondhand smoke.

- Smoke-free rules protect our health.
 - Even small amounts of secondhand smoke can cause serious health issues, including asthma attacks, heart attacks, and strokes. Studies have shown that exposure to secondhand smoke outdoors can be similar to exposure indoors in certain settings.
 - Tobacco use remains the most preventable cause of death and disease in this country, and smoke-free rules have been shown to be one of the best ways to protect communities. They prevent exposure to secondhand smoke, support people who are trying to quit, and reduce the likelihood that youth start using tobacco.
- Smoke-free rules protect the environment.
 - Cigarette butts are the #1 littered item on U.S. roadways, waterways, and beaches and the top item collected during Downtown's annual Clean and Green event.
 - The filters in cigarettes do not biodegrade and persist in our environment for years.
 - As litter items, cigarette butts can leach thousands of chemicals into our water supply and soil and they can be toxic to wildlife, aquatic life, and pets.
- Colorado communities have already made clean air a priority.
 - Several communities in Colorado have expanded smoke-free protections to outdoor places where people gather. Boulder, Denver, Fort Collins, Golden, and Littleton have all adopted smoke-free protections for their downtown areas and include electronic devices.
 - At least 15 other towns and cities in Colorado have other protections that would likely apply to downtown businesses like smoke-free outdoor dining, smoke-free bar patios, or perimeter protections greater than 15 feet. (Alamosa, Arvada, Avon, Broomfield, Dillion, Eagle County, Edgewater, Firestone, Greeley, Lakewood, Louisville, Pueblo, Steamboat Springs, Superior, Timnath, Vail)
- Other electronic device and enforcement considerations:
 - It can be difficult to decipher what substance is in an electronic device which can include marijuana. Including electronic devices in smoke-free rules may facilitate enforcement and reduce confusion.
 - These devices are appealing to youth. Not including electronic devices in smoke-free protections has potential to reintroduce normalization of tobacco use among youth.

- Vapor from electronic devices is not harmless water vapor. Vapor has been shown to contain chemicals including nicotine, metals, and ultrafine particles. Over 25
- Colorado communities have included these devices wherever smoking is restricted, including in Longmont.
- Enforcement considerations
 - These may be community specific and are often times based on a variety of factors including the policy goal, community needs, and availability of resources necessary to promote compliance.
 - Compliance can be impacted by signage alone and may be enhanced with public education and enforcement.
 - Over time, smoke-free protections can become more normalized/self-enforcing.

More national examples can be found, here:

<https://nosmoke.org/wpcontent/uploads/pdf/SmokefreeOutdoorDining.pdf>

A strong concern evident from the survey was enforcement. As mentioned before, enforcement has a range of options, based on policy, community needs and resources.

City and LDDA Staff are working together on solutions surrounding clean and safe needs for the Downtown environment. Staff has investigated a multilayer approach of education, signage and a potential partnership with park rangers to enforce smoking within restricted areas. Partnerships with Parks, Public Safety and Justice and other relevant departments will be created for enforcement efforts of any ordinance. Additional signage and public education can help softly enforce the ordinance encouraging businesses and the general public to help self-enforce.

If approved, a Downtown Smoking ordinance rollout plan will include public education, signage, clean up, moving of receptacles, Downtown business education/training, and enforcement plans/options. We will work with Boulder County Public Health to make a smooth transition for Downtown businesses and the employees, clients, and visitors that come Downtown.

Boulder County Public Health's Tobacco Education and Prevention Partnership (TEPP) can provide resources and support for local smoke-free public places including education, communication, and cessation resources. Should an ordinance pass, TEPP can:

- Work in partnership with appropriate entities to develop signage, banners, and other communication tools to support awareness of the ordinance.
- Provide communication resources including signage, banners, and/or other print materials used to educate the public and businesses and bring awareness to the ordinance.
- Work in partnership with LDDA to develop education outreach to businesses about newly adopted rules, ways to ask for compliance, and information about cessation resources for staff. Though smoke-free spaces don't require anyone to quit smoking, they support people who want to quit. Having information about available resources will be helpful for people interested in quitting.
- Develop and disseminate news articles and/or social media communication.
- Work in collaboration with LDDA or other entity to help identify appropriate placement of receptacles and/or help identify potential problem areas.
- TEPP has set aside some funding to support the above services. Resources and materials will need to be approved and purchased by TEPP to ensure that resources and materials meet the requirements as outlined in the TEPP grant. Funding is subject to change.

ATTACHMENTS:

Smoking Ordinance

Map of smoke free campus