

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Action: Adoption of an Ordinance Prohibiting Smoking Outside City-Owned Buildings Providing Services to Children and Amending Section 6.230 of the Eugene Code, 1971

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Meeting Date: February 8, 2010  
Department: Library, Recreation and Cultural Services  
[www.eugene-or.gov/library](http://www.eugene-or.gov/library)

Agenda Item Number: 5  
Staff Contact: Connie Bennett  
Contact Telephone Number: 541-682-5363

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### ISSUE STATEMENT

This is a recommended amendment to section 6.230 of the Eugene Code, 1971. The proposed amendment prohibits smoking outside City-owned buildings that provide services to children.

### BACKGROUND

Sections 6.225 – 6.240 of the Eugene City Code address tobacco products and smoking. The original ordinance was enacted November 12, 1980. The most recent change, enacted March 4, 2005, and effective April 3, 2005, affected Section 6.230 (k), the current ordinance affecting City-owned buildings that provide services to children: [Smoking is prohibited in all public places and all places of employment within the city, including, but not limited to] “within publicly owned buildings and within 25 feet of any entrance or air intake to, or any operable window of, any such building.”

The purpose of this change is to provide a healthier atmosphere and better protection for children who are using City services, by prohibiting smoking outside of City-owned buildings providing services to children such as libraries, pools, sports parks and community centers.

The proposed ordinance, extending the prohibition to the curb outside of affected buildings, is anticipated to be easier to communicate to the public and thus take fewer resources to enforce.

A public hearing on the proposed ordinance was held on January 19, 2010, with one member of the public testifying in support. Since the public hearing, the City Attorney's office reviewed the language of the Corvallis code and found that Corvallis does not have a provision that specifically addresses what the City of Eugene is trying to address with this ordinance. Therefore, no changes are being recommended to the code amendment that was originally presented to the council.

The ordinance is proposed to go into effect in thirty days, on March 10, 2010.

### RELATED CITY POLICIES

This item relates to the City Council Goals of Accessible and Thriving Culture and Recreation: A community where arts and outdoors are integral to our social and economic well-being and are available to all, and a Safe Community: a community where all people are safe, valued and welcome.

**COUNCIL OPTIONS**

1. Adopt the ordinance as written.
2. Amend the ordinance.
3. Provide other direction.

**CITY MANAGER'S RECOMMENDATION**

The City Manager recommends Option 1: adopt the ordinance as written.

**SUGGESTED MOTION**

Move to adopt Council Bill 5021 prohibiting smoking outside City-owned buildings providing services to children and amending Section 6.230 of the Eugene Code, 1971.

**ATTACHMENTS**

- A. Draft Ordinance

**FOR MORE INFORMATION**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE PROHIBITING SMOKING OUTSIDE CITY-OWNED BUILDINGS PROVIDING SERVICES TO CHILDREN AND AMENDING SECTION 6.230 OF THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Subsection (2) of Section 6.230 of the Eugene Code, 1971, is amended by adding subsection (p) to provide as follows:

**6.230 Smoking Prohibited in Public Places and Places of Employment.**

**(2)** Smoking is prohibited in all public places and all places of employment within the city, including, but not limited to the following:

- (p)** The exterior of city-owned buildings a primary purpose of which is to provide services and programs to children under the age of 18, including but not limited to libraries, pools, sports parks and community centers. The city manager shall adopt an administrative order that identifies the specific facilities covered by this subsection. For purposes of this subsection, "exterior" means the area outside of the building extending from the building footprint to the curb, including but not limited to driveways, planting strips, sidewalks, pedestrian ways, patios and alleys adjacent to the city-owned building, but not extending into any non-city owned property adjacent to the building or onto the roadway. Notwithstanding the prohibition contained in this section, if a private establishment is located in a city-owned building, the provisions of subsection (2)(k) of this section related to private establishments shall apply.

**Section 2.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this**  
\_\_\_\_ day of \_\_\_\_\_, 2010

**Approved by the Mayor this**  
\_\_\_\_ day of \_\_\_\_\_, 2010

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**City Recorder**

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**Mayor**