

**Council Members Applyrs, Conti, Doesschate and Kornegay introduced the following:**

**Ordinance Number 38.52.14**

**AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES IN CITY PARKS**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. Section 251-9 of Chapter 251 of the Code of the City of Albany is hereby amended to read as follows:**

**Section 251-9. Smoking in City Parks and Recreational Areas.**

A. Smoking is responsible for premature deaths of over 440,000 Americans each year from lung cancer, heart disease, and other smoking related diseases. It kills more Americans each year than alcohol, cocaine, heroin, crack, homicide, suicide, accidents, fires and AIDS combined. Eighty percent of smokers started smoking before the age of 18, and the average initiation age is 12 years old. Each year in the United States alone, second hand smoke is responsible for: an estimated 42,000 deaths from heart disease in people who are current non-smokers; about 3,400 lung cancer deaths in non-smoking adults; worse asthma and asthma-related problems in up to 1 million asthmatic children; between 150,000 and 300,000 lower respiratory tract infections (lung and bronchus) in children under 18 months of age, with 7,500 to 15,000 hospitalizations each year; and making children much more likely to be put into intensive care when they have the flu; they stay in the hospital longer, and they're more likely to need breathing tubes than kids who aren't exposed to SHS. Cigarette butts also cause litter problems in the parks and ruin the natural atmosphere.

B. No person shall smoke within the City's parks, sport fields, swimming pools, or playgrounds. For purposes of this section, to "smoke" means to burn a lighted cigar, cigarette, or pipe, or to use any other substance which contains tobacco.

C. Violation of this Section shall be an offense punishable by a fine of \$50.00. Appropriate signage shall be posted designating tobacco-free zones, however, the presence or absence of signs shall not be a defense to a violation of this Section.

**Section 2. This ordinance shall take effect immediately.**

**APPROVED AS TO FORM**

---

**Corporation Counsel**

**TO:** Nala Woodard, City Clerk

**FROM:** Dorcey Applyrs, Council Member  
Council Members Conti, Doeschate, Kornegay

**RE:** Request for Common Council Legislation  
Supporting Memorandum

**DATE:** May 5, 2014

**ORDINANCE NUMBER 38.52.14**

**TITLE: AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES IN CITY PARKS**

**GENERAL PURPOSE OF LEGISLATION:** To prohibit smoking in all city parks.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:**

This ordinance creates a tobacco free zone in areas of the city predominantly visited by young children, youth and families. It will help to eliminate negative role models which may reduce the incidence of smoking in young children. It also helps all citizens enjoy the outdoors in places intended for such without tobacco smoke intruding on their time outside. People do not expect to have to breathe in second hand smoke while they are outside in a city park. Because there are many areas within parks where people gather, especially during events, it is sometimes unavoidable. This is not only unpleasant, but dangerous for people with certain medical issues. Cigarette butts left throughout the parks are also unsightly and ruin the natural atmosphere of the park. This litter also requires additional cleanup by city crews.

**FISCAL IMPACT:** None.