

City Council Staff Report

DATE: May 4, 2011

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1788, AMENDING THE PALM SPRINGS MUNICIPAL CODE, PROHIBITION OF SMOKING IN PARKS

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1788.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1788, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING IN PARKS."

STAFF ANALYSIS:

The City Council introduced Proposed Ordinance No. 1788, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING NEAR PLAYGROUNDS" by the following vote:

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, and Mayor Pro Tem Weigel.

NOES: None.

ABSENT: Mayor Pougnet.

ABSTAIN: None.

At its April 20, 2011, meeting Proposed Ordinance No. 1788 was re-introduced for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING

SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING IN PARKS” by the following vote:

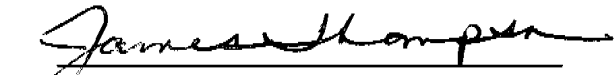
AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.

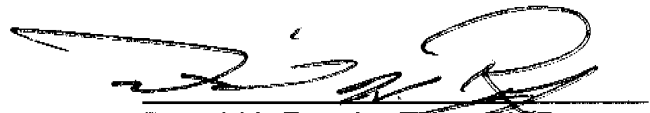
NOES: None.

ABSENT: None.

ABSTAIN: None.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachment: Ordinance No. 1788

PROPOSED ORDINANCE NO. 1788

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING IN PARKS.

City Attorney Summary

This Ordinance prohibits smoking within any city park.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Section 6.10.020 of the Palm Springs Municipal Code is amended by adding the following definition:

"Park" means all grounds, buildings, improvements, and areas dedicated to use by the public for park, recreation, or open space purposes and over which the city has acquired right of use for such purposes. The term "Park" includes sidewalks, trails, and pathways in or around park facilities, park strips, and other grounds of any park.

SECTION 2. Section 6.10.081 is added to the Palm Springs Municipal Code to read:

6.10.081 Smoking Prohibited – Parks.

Smoking is prohibited and is unlawful within any Park.

SECTION 3. Subsection (a) of Section 6.10.100 of the Palm Springs Municipal Code is amended to read:

(a) Except where other signs are required, whenever in this Chapter smoking is prohibited, conspicuous signs shall be posted so stating, containing appropriate language in capital lettering not less than one inch in height and/or the international no-smoking logo, on a contrasting background. It is the duty of the owner, operator, manager or other persons having control of such room, building or other place where smoking is prohibited, to post such signs or to cause such signs to be posted. Nothing herein shall be deemed or construed to authorize violation of the Palm Springs sign ordinance.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

ADOPTED THIS _____ DAY OF _____, 2011.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS C. HOLLAND, CITY ATTORNEY

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____, 2011, and adopted at a regular meeting of the City Council held on _____, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California