

Fresno bans smoking in parks

Measure, approved 6-1, carries no penalties, little prospect for enforcement.

By Jim Davis / The Fresno Bee

Wednesday, December 1, 2004

The Fresno City Council voted Tuesday to ban smoking - and even chewing tobacco - in city parks.

The ordinance aims to keep parks clear of secondhand smoke and prevent the littering of cigarette butts.

"I think it's going to make these parks cleaner and safer for kids," said 17-year-old Marie Knuffe, who voiced support for the ordinance at the meeting.

The council voted 6-1 to approve the ordinance, which will come back to the council for a review in one year.

Council Member Jerry Duncan opposed the ordinance, noting that it carries no penalties and will not be a priority for law enforcement.

"It's an ordinance the city by its own admission can't enforce," Duncan said.

Council President Brad Castillo said he believes people won't need enforcement to obey the ordinance.

"I believe this is like anything else that comes before us for the first time," Castillo said. "I think there are still kinks in it, but they can be worked out."

Several cities across the state, including Reedley, have adopted ordinances prohibiting smoking in parks and other public areas. In 2002, the state passed a law prohibiting smoking and cigarette disposal within 25 feet of playgrounds or sandboxes. Council Member Henry T. Perea came up with the idea for the ban while participating in a anti-smoking event at Einstein Park a few months ago.

Perea said volunteers picked up an estimated 4,500 cigarette butts at the park.

The issue went before the council Oct. 26, and the council asked staff to draft an ordinance.

The Parks Department returned Tuesday with an ordinance that would prohibit smoking cigars, cigarettes and pipes and chewing tobacco at all city parks.

The Parks Department will develop and install anti-smoking signs and work with community organizations to educate the public about the new ordinance.

According to a staff report, park patrons obey anti-smoking ordinances at other cities with similar ordinances and minimal police enforcement.

Duncan said he has a "strong philosophical problem" with creating a law that doesn't address a real problem. He also said he has seen no studies in which secondhand smoke harmed anyone in an open park setting.

He also was concerned about legislating a legal activity.

Danielle Mesta, a 16-year-old who, along with Marie Knuffe, helped clean Einstein Park, said she wished Duncan were more supportive.

Said Danielle: "I think he'll change his mind in a year when he sees the good it does."

In other matters, the City Council approved a deal for \$300,000 with Alvis Projects to build six single-family affordable homes using green building techniques.

The homes will be built with an energy-efficient shell and solar panels.