

# Smoke, Tobacco, and Vape-free Parks Policy

## Fair Oaks Recreation & Park District

The Board of Directors of the Fair Oaks Recreation & Park District does ordain as follows:

### 1. Guideline Statement

The Fair Oaks Recreation & Park District's Smoke, Tobacco, and Vape-Free Policy is designed to protect the health, welfare, and safety of our park patrons. The Fair Oaks Recreation & Park District's philosophy is to promote health and a clean air environment. A Smoke, Tobacco, and Vape-Free Policy was adopted by the District Board of Directors at the **October 17, 2018** Board of Directors meeting. The use of any and all cannabis, tobacco products, and illegal substances is prohibited in all district buildings, facilities, and parks. Smokers must be off district property completely. Per Sacramento County Code Ordinances 6.84.045, 6.84.060, 6.84.095, 6.84.100, 6.84.155, 6.84.175.

### 2. Findings

The Fair Oaks Recreation & Park District is committed to the quality of life of all residents; therefore, we believe that:

- a) Tobacco product use in the proximity of children, youth, and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of others.
- b) Tobacco products consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter problem.
- c) As parents, leaders, coaches, and officials, we are thought of as role models, and the use of tobacco products around youth has a negative effect on their lifestyle choices.

### 3. Definitions

The following words and phrases, whenever used in this chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

- a) "Cannabis" has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.
- b) "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic device, and Cannabis smoke.
- c) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic device, or plant product, using any other method or device that delivers nicotine or other substances to a person.
- d) "Tobacco Product" means:
  - (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
  - (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.

Notwithstanding any provision of subsections (1) and (2) to the contrary, "Tobacco Product" includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

#### **4. Policy**

- a) The use of any and all cannabis, tobacco products, and illegal substances and smoking in any form is prohibited on any District property including but not limited to: parks, facilities, parking lots, or trails.
- b) No person shall dispose of used smoking or tobacco product waste on any District property including but not limited to: parks, facilities, parking lots, or trails.

#### **5. Compliance Procedures**

The emphasis on enforcing the Smoke, Tobacco, and Vape-Free Policy is through voluntary compliance:

- a) Appropriate District-owned park land, recreational facilities, and open space will be signed.
- b) District staff will meet with activity organizations and/or leaders or coaches to discuss the policy and to distribute flyers with the “Smoke-, Tobacco-, and Vape-Free” regulations.
- c) District staff will make periodic observations of activity sites to monitor compliance.

#### **6. Penalty**

Any person found guilty of violating this Ordinance may be fined in accordance with Sacramento County Code Enforcement for each offense.

#### **7. Repeal**

Any Ordinance in conflict with this Ordinance is hereby repealed to the extent of such conflict.

#### **8. Severability**

If any portion of the Ordinance is found to be invalid by a court of the competent jurisdiction, that portion shall be served from the Ordinance, and the rest of the Ordinance shall be considered to be in full force and effect.

#### **9. Adoption date: October 17, 2018.**