



Municipality of Anchorage, Alaska
Parks & Recreation Department

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MEMORANDUM

Date: June 9, 2016

To: Parks & Recreation Commission

Cc: Josh Durand, Parks Superintendent

From: Steve Rafuse, Park Planner

Project: **PRC 16-20 Proposed Amendment of Anchorage Municipal Code to Prohibit Smoking in Town Square Park**

The Anchorage Assembly is seeking to propose a ban on smoking in Town Square Park. At the request of the Assembly, the Parks and Recreation Commission is asked to consider the amendment and make a recommendation on the proposed ordinance to prohibit smoking in Town Square Park and adjoining areas. This item is a follow up to a similar proposal presented to the Parks and Recreation Commission in September 2015.

Anchorage Municipal Code "16.65.010 – Prohibition of Smoking" currently prohibits smoking in and near entrances of many enclosed public places such as recreation facilities and schools, as well as in seating areas of outdoor arenas, stadiums, and amphitheatres. The Assembly seeks to amend AMC 16.65.010 to include the following language:

Smoking is prohibited at the following places:

- 9) *All areas of Town Square Park. Smoking in Town Square Park includes use of an electronic smoking device*
- 10) *All Alaska Center of the Performing Arts property. Smoking on Alaska Center of the Performing Arts property includes use of an electronic smoking device*

Town Square Park is an important cultural resource and public space. The park serves as a crossroads for Downtown pedestrian traffic and is a focal point for special events. In recent years, the park has been plagued by numerous problems and has become alienated from the larger downtown community. Community leaders and local businesses have advocated for changes to the park that will promote positive use.

The Parks and Recreation Department recognizes the intent of the proposed amendment to promote health by reducing exposure to second-hand smoke in public spaces. P&R staff understands that the use of electronic smoking devices may not result in some of the nuisance effects of smoke, but may have similar "second-hand" impacts from exposure to the vapors generated. More generally, the adverse health effects of smoking are in contrast with the mission of the Parks and Recreation Department to promote "Healthy Parks, Healthy People".

The Parks and Recreation Department request that the Parks and Recreation Commission provide a written recommendation or resolution to the Anchorage Assembly on the proposed amendments to AMC 16.65.010. A public hearing before the Assembly is tentatively scheduled for June 21st.

Submitted by: ASSEMBLY VICE CHAIR TRAINI
ASSEMBLY CHAIR GRAY-JACKSON
Prepared by: Assembly Counsel
For reading: June 7, 2016

**ANCHORAGE, ALASKA
AO NO. 2016–**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE CHAPTER 16.65 TO PROHIBIT SMOKING AND
“VAPING” IN TOWN SQUARE PARK, INCLUDING ADJACENT ALASKA CENTER
FOR THE PERFORMING ARTS PROPERTY, RIGHT-OF-WAYS AND WALKWAYS.**

1
2 WHEREAS, beneficial use of Town Square Park includes access and use of
3 adjacent outdoor areas of the Alaska Center for the Performing Arts, and the right-of-
4 ways and walkways comprising this public venue; and

5
6 WHEREAS, Town Square Park, and adjacent areas of the Alaska Center for the
7 Performing Arts, and the right-of-ways and walkways comprising this beautiful public
8 venue are each special and unique, intended for enjoyment by the community and
9 visitors, from the very young to the elderly; and

10
11 WHEREAS, enjoyment of this venue is significantly diminished by second-hand
12 smoke and vapor from tobacco use, and illegal public use of marijuana; and

13
14 WHEREAS, Town Square Park includes an amphitheater area, and since 2007,
15 Anchorage Municipal Code has banned smoking in all seating areas of outdoor arenas,
16 stadiums, and amphitheaters; and

17
18 WHEREAS, absent significant and costly redesign of this beautiful park, the
19 beneficial use of the amphitheater seating area in Town Square Park cannot be
20 maintained in code compliance unless the smoking ban is extended to include all of
21 Town Square Park and the additional adjacent outdoor public space comprising this
22 venue; and

23
24 WHEREAS, the Assembly finds that the maintenance of order in Town Square
25 Park, the beneficial use of Town Square Park as a public venue, and the health, safety
26 and welfare of the people seeking beneficial use of this beautiful venue within the
27 Downtown Central Business District, will be enhanced by extending secondhand smoke
28 control and the smoking ban under AMC chapter 16.65 to this public space in the same
29 manner and fashion as now applicable to seating areas of outdoor arenas, stadiums,
30 and amphitheaters throughout the Municipality; and

31
32 WHEREAS, the Anchorage Assembly finds it paramount in the public interest
33 that this centrally located public venue within downtown Anchorage be maintained in
34 code compliance as an area free of secondhand smoke and vapor from tobacco and
35 marijuana, supported by code enforcement; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 16.65.005 is hereby amended to read as follows (*language indicating no amendment is included for context only and other sections not affected are not set out*):

16.65.005 - Definitions.

In this chapter:

Alaska Center for the Performing Arts property means Lot 1, and included right-of-way, Block 52A, Anchorage Original Townsite.

*** *** ***

Electronic Smoking Device means an electronic or battery-operated device that will deliver tobacco or marijuana vapors for inhalation.

*** *** ***

Smoking means inhaling, exhaling, burning or carrying any lighted tobacco or marijuana product.

Town Square Park means Lots 2, 3, 4, 6B, and 7A, and included right-of-way, Block 51, Anchorage Original Townsite.

(AO No. 2006-86(S), § 1, 7-1-07; AO No. 2015-65, §1, 6-9-2015)

Section 2. Anchorage Municipal Code section 16.65.010 is hereby amended to read as follows (*language indicating no amendment is included for context only*):

6.65.010 - Prohibition of smoking.

A. Smoking is prohibited at the following places:

1. All enclosed public places within the Municipality of Anchorage, including, but not limited to, all businesses visited by the public, transportation facilities, waiting areas of public transit depots, buses, taxicabs, sports arenas, and other enclosed areas open to the public.
2. All enclosed areas that are places of employment.

3. All enclosed areas on properties owned or controlled by the Municipality of Anchorage, including the Anchorage School District, and including every room, chamber, place of meeting or public assembly under the control of any municipal board, council, commission, committee, or municipal authority.
 4. All areas within 20 feet of each entrance to enclosed areas on properties owned or controlled by the Municipality of Anchorage including the Anchorage School District, and including every room, chamber, place of meeting or public assembly under the control of any municipal board, council, commission, committee, or municipal authority.
 5. All areas within 50 feet of each entrance to a hospital or medical clinic.
 6. All enclosed areas where a person provides child care on a fee for service basis.
 7. Seating areas of outdoor arenas, stadiums, and amphitheaters.
 8. All areas within five feet of the entrance to a premises licensed under state law to sell alcoholic beverages for consumption on the premises. When a licensed premises includes an outdoor area such as a patio or deck, the minimum reasonable distance under [SUB] section 16.65.020 shall be five feet.
 9. All areas of Town Square Park. Smoking in Town Square Park includes use of an electronic smoking device.
 10. All Alaska Center of the Performing Arts property. Smoking on Alaska Center of the Performing Arts property includes use of an electronic smoking device.
- B. Smoking is prohibited on any property not listed in subsection A of this section, with or without enclosure, if the owner, operator, manager, or other person having control of the property chooses to prohibit smoking.

(AO No. 2006-86(S), § 1, 7-1-07)

Section 3. In keeping with Anchorage Municipal Code section 4.60.090, this ordinance is referred for formal advisory action from the Anchorage Parks and

1 Recreation Service Area Commission prior to final action by the Anchorage Assembly.
2 In referring this to the Anchorage Parks and Recreation Service Area Commission for
3 exercise of its advisory functions, Commission members are requested to be mindful
4 that this ordinance, to enable code enforcement of secondhand smoke control within the
5 Town Square Park venue, will be considered by the Anchorage Assembly as a public
6 health and safety measure, to enhance the experience of all persons seeking to enjoy
7 Town Square Park.

8
9 **Section 4.** This ordinance shall become effective immediately upon passage and
10 approval by the Assembly.

11
12 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
13 _____, 2016.

14
15 _____
16 Chair

17 ATTEST:

18
19 _____
20 Municipal Clerk