

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> July 1, 2014	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Shoji and City Councilors

FROM: Rodger Craddock, City Manager

ISSUE : Public Hearing - Consideration of an Ordinance Regulating Smoking in or Around the Coos Bay Public Library

**BACKGROUND:**

On May 6, 2014, staff relayed a request to the City Council from the Coos Bay Library Board requesting an ordinance prohibiting smoking in or around the Coos Bay Public Library. Currently, library patrons who smoke, congregate in front and around the Library. Staff has received complaints regarding the unpleasant and unhealthy conditions of walking through those smoking outside of the entrance of the Library. In addition, the smoke and odor from smoking around the building is reportedly seeping into the building and into the HVAC system.

At the Council's request, staff has drafted a proposed ordinance document, which is attached, for a public hearing and your consideration. The proposed ordinance adds language to the City's municipal code to prohibit smoking in or around the Coos Bay Library as is depicted in the attached map.

**ADVANTAGES:**

The public hearing will allow the Council to gather additional public input on this matter.

**DISADVANTAGES:**

Enforcement of the proposed ordinance is expected to impact Coos Bay Police Department resources; however, the impact is expected to be limited.

**BUDGET:**

There will be a cost for the purchase of installation of signage and poles for designated no smoking areas. Total cost is not expected to exceed \$2,500 for materials. The signs will be installed by City staff. Funds for the materials will come from the Library's budget.

**RELATED CITY GOAL:**

This project does not fall under the City Council's currently adopted goals.

**RECOMMENDATION:**

If it pleases the City Council, hold a public hearing to consider the enactment of the draft ordinance restricting smoking in and about the City's library and declaring it an emergency.

**ATTACHMENTS:**

Draft ordinance  
Map of No Smoking Area

**ORDINANCE NO. ###**

**AN ORDINANCE OF THE CITY OF COOS BAY OF COOS COUNTY, OREGON, RESTRICTING SMOKING IN AND ABOUT THE CITY'S LIBRARY, AND DECLARING AN EMERGENCY**

**WHEREAS**, smoking of tobacco and/or other organic material imposes enormous public health and financial costs on the community, which costs are completely avoidable;

**WHEREAS**, creating smoking free areas is an evidence based practice that reduces tobacco consumption and exposure to second hand smoke;

**WHEREAS**, smoking is the largest cause of preventable illness, suffering and death;

**WHEREAS**, a large number of members of the community use the Coos Bay public library, a significant proportion of which are nonsmokers;

**WHEREAS**, the Coos Bay City Council believes it is in the best interests of the health, safety, and welfare of the citizens of Coos Bay to enact an ordinance prohibiting the smoking of tobacco or other organic material in or about the confines of the City's public library;

**NOW THEREFORE**, BASED ON THE FOREGOING, THE CITY OF COOS BAY ORDAINS AS FOLLOWS:

**DEFINITION.** The word "smoking" shall have the same meaning as defined in Coos Bay Municipal Code, section 12.35.010, except to the extent that such term is inconsistent with the provisions of this Ordinance.

**PROHIBITION.** The smoking of tobacco or any other organic material in or about the Coos Bay Public Library shall be prohibited. The area encompassed by this prohibition shall be the library building, adjacent property around the building and the parking area adjoining the building. This prohibition includes any and all devices by which tobacco or other organic material is burned for purposes of inhaling of the material created by such burning, including, but not limited to cigarettes, cigars, pipes, and e-cigarettes, as well as the discarding of any such smoking material.

**REMOVAL FROM PREMISES.** Any police officer, City code compliance officer, or the City Manager or his designee, shall have the authority to direct anyone smoking in violation of this prohibition to leave the area encompassed by this prohibition, if that person fails to comply with such City official's request to discontinue smoking.

**PENALTIES.** Violation of or failure to comply with any provision of this ordinance is punishable upon conviction by a fine not to exceed \$1,000. Each violation is a separate offense; and if the violation is of a continuing nature, each and every day the violation continues shall constitute a separate offense.

**SEVERABILITY.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**EMERGENCY.** This Ordinance being necessary for the immediate preservation of the public peace, health, and safety an emergency is declared to exist and this Ordinance takes effect on its passage.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this \_\_\_\_\_ day of July 2014 by the following vote:

Yes:

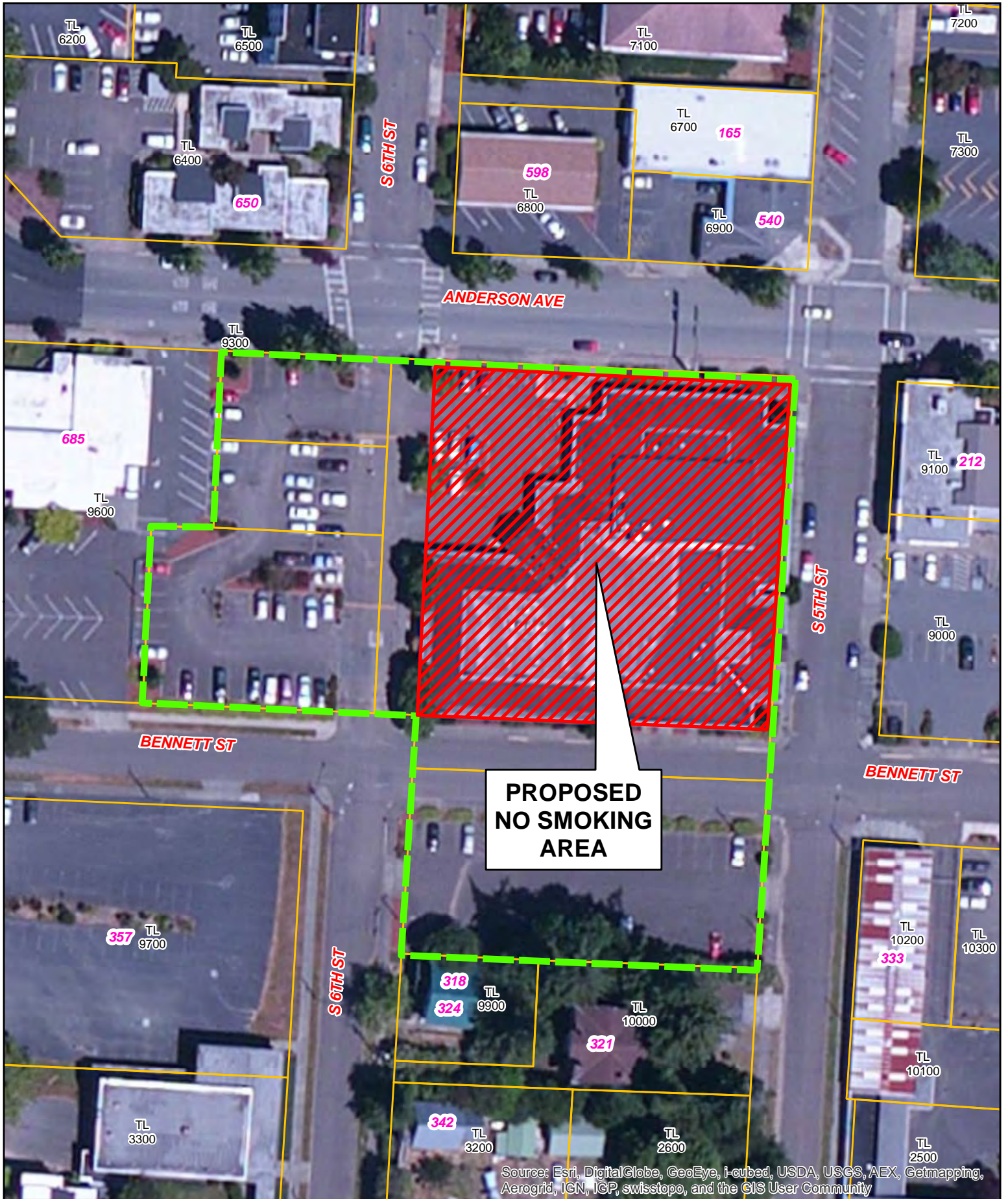
No:

Absent:

\_\_\_\_\_  
Crystal Shoji  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

\_\_\_\_\_  
Susanne Baker,  
City Recorder of the City of Coos Bay  
Coos County, Oregon



**PROPOSED  
NO SMOKING  
AREA**

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**PROPOSED LIBRARY NO SMOKING AREA**



Date: 6/24/2014

Agenda Item #6  
1 Inch = 70 feet