



AGENCY:	City Council
MEETING DATE:	May 22, 2017
DEPARTMENT:	Public Works
PRESENTED BY:	Tom Varga
EMAIL ADDRESS:	tvarga@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

RECEIVE RECOMMENDATIONS FROM PUBLIC WORKS & FACILITY COMMITTEE REGARDING COMMUNITY STEWARDSHIP PROGRAM AND MODEL TOBACCO WASTE ACT AND PROVIDE DIRECTION TO STAFF

ISSUE:

At the City Council meeting on September 26, 2016, members of the Progressive Alliance Center Mendocino (PACM) made a presentation on their Project Stop Butts. The group requested the City's assistance with their campaign. The Council forwarded the matter to the Public Works and Facilities Committee for further consideration and possible direction. The Committee has considered the matter three times at meetings since that time.

At its meeting of March 8, 2017, the Committee recommended that various policy matters concerning tobacco waste reduction be considered. Furthermore, how can public participation in making Fort Bragg a cleaner place be accomplished with a Community Stewardship Program?

RECOMMENDED ACTION:

These issues have been considered by the Public Works & Facilities Committee. Their ideas and recommendations are being forwarded to the full Council for consideration. It is recommended the City Council discuss and consider the proposed policies and provide direction to staff

ALTERNATIVE ACTION(S):

After review and consideration of the Committee's recommendation, the Council can modify the recommendations, send the matter back to the Committee with direction for further action, or schedule the matter for a subsequent meeting to take final action.

ANALYSIS:**Community Stewardship Program**

To address the immediate problem of litter in the street, An Adopt-A-Street program has been rolled out allowing volunteers to help the City with cleaning up our streets. The City will supply simple tools, basic safety gear, and provide appropriate safety training (a short video was suggested). City staff will dispose of collected trash. Mr. Mike Beck offered to assist with picking up bags of trash to minimize the time they lie at the side of the street. As a general rule, volunteers will work from sidewalks or road shoulders to avoid entering the part of the street actively being used by vehicles. During the Committee's discussion, veteran litter collector, Mr. Beck, noted that the heaviest areas of litter accumulation were: along Redwood Avenue in downtown, the vicinity of the Post Office, and along Main Street in downtown. Staff was also asked to examine the street sweeping schedule to see if modifications would reduce litter problems.

However, litter clean up and trash removal is valuable beyond the streets and highways of a traditional Adopt-A-Street program. Parks, trails, beaches and other public spaces can use the same attention. The Guest House Park and Coastal Trail were noted examples.

The Fort Bragg Garden Club, in association with members of the Bee City Committee, felt that maintenance of the Guest House Park was a unique activity warranting a special Adopt-A-Park program. Garden Club speakers noted many local organizations that would be interested in participating in Guest House Park volunteer work. Initial consensus leaned toward bundling parks, include the Guest House Park, into the Community Stewardship program.

The term Community Steward was chosen to describe volunteers who pick up litter, dispose of trash and help keep our community looking clean and attractive. It was recommended that removal of grass or weeds from curbs or pavement edges be made part of clean-up efforts. The Committee asked for clever ways to recognize sponsors and volunteers to make the program more inviting and fun to participate in. A strong effort of outreach and education should be part of the program. During the meeting, public input included a variety of suggestions how to package the program for maximum effectiveness. The PACM offered to assist the City with public outreach and education. Signage is a valid method of recognizing volunteers, but should be reasonable to avoid visual blight. To help make the program self-sustaining, groups and individual stewards should be encouraged to make a one day per month commitment. The slogan, "Keep Fort Bragg Clean – No, Ifs, Ands, or Butts!" was proposed.

Project Stop Butts

Following a field survey of a small part of downtown and picking up a significant number of cigarette butts, the Progressive Alliance Center Mendocino presented their findings to the City Council in September 2016. Their investigation illustrated the importance of litter prevention in our downtown. It is not only unsightly, but can contribute to storm water pollution. At that meeting, they also suggested corrective measures, and other resource/background material. Their short report (excluding the supporting material) is attached for reference.

Page 3 of the PACM report lists six potential solutions. A seventh item has been added by staff. Following is a more detailed discussion and analysis of these suggested solutions:

1. *Develop retailer responsibility ordinance for street side pick-ups (Adopt-Your-Curbside/Sidewalk).*

This idea is already largely contained in existing municipal code, see item 2 below.

2. *Enforce and/or strengthen the City's litter ordinances & be willing to issue citations.*

The City already has substantial regulations regarding tobacco usage and tobacco waste in the Fort Bragg Municipal Code contained in Chapter 16.12 – Nuisance and Chapter 16.18 Smoking Pollution Control and Health Protection Regulations. Together, the two chapters address litter caused by smoking. Section 16.12.040, paragraph J prohibits, "The accumulation of ... litter or debris in vestibules, doorways, or the adjoining sidewalks of commercial or industrial buildings." Section 16.18.050, paragraph C states, "Smoking shall be prohibited within ... 20 feet of the entrance to any business and/or along the sidewalk adjacent to the building ... in the Central Business District..." In addition, any retail, non-profit, or service related business outside the Central Business District can voluntarily invoke the same prohibitions.

In general, nuisance violations are enforced by Code Enforcement. The code requires no smoking violations to be enforced by the Police Department (Section 16.18.050, paragraph E).

Additional enforcement and citations are possible, but would presumably require the shifting of enforcement priorities.

3. *Immediately purchase & install Seattle Surfrider cigarette receptacles/canisters or Cal Poly Surfrider's Butt Biters receptacles.*

This is a fairly easy option to implement. To avoid conflicts with the FBMC code sections prohibiting smoking, signage should be added next to any receptacles or canisters. Language along the lines of "Please put your tobacco waste in the receptacle for recycling - Thank You," was suggested.

4. *Evaluate the Model Tobacco Waste Act & other publications for ideas, inspiration and regulatory options.*

The FBMC already has significant provisions regulating the use and disposal of tobacco products see item 2 above. The PACM suggested as a template the Model Tobacco Waste Act (MTWA). It is a product stewardship policy based on the environmental principle of Extended Producer Responsibility. This policy seeks to shift the burden of managing the impacts of tobacco usage onto the producers and sellers of tobacco products. The MTWA was developed in collaboration with the Product Stewardship Institute. See the attached copy of the MTWA.

The Model Act contains stringent measures that aggressively address the impacts of tobacco waste. Tobacco producers covered by the act include manufacturers, wholesalers, distributors, and retailers of tobacco products. The term "tobacco product" is broadly defined. Tobacco waste is any part of a tobacco product that has been "abandoned or discarded." Only products covered by a locally developed and approved Tobacco Waste Act Program may be sold in the jurisdiction adopting the Act. This program includes a variety of educational and outreach activities. It should also include provisions to reduce post-consumer tobacco product waste. Tobacco waste management includes collection, transportation, and processing of post-consumer tobacco waste. Reuse and/or recycling is required. This waste management shall be done in an environmentally sound manner. Regular assessment, reporting of goals and how they are being met is required. Costs of such a program are intended to be borne by tobacco producers through either fees or other funding mechanisms derived from tobacco producers. How the provisions of Tobacco Waste Act Program are to be carried out are further detailed in the Model Act. Enforcement measures as proposed are costly. They start at \$1,000 for a first offense.

Regulations covering smoking are found in Title 6 of the Fort Bragg Municipal Code. A new chapter putting the MTWA into effect could be added there.

5. *Consider a ban on sale of filtered cigarettes on the coast based on environmental impact.*

This would be most easily accomplished as a part of the MTWA or could be done as a stand-alone addition to the municipal code.

6. Create local awareness and focused clean-up projects, especially at coastal trail areas.

There are already several clean-up strategies in place:

- The City sweeps downtown streets weekly
- Hospitality House clients perform periodic sidewalk and street clean-ups
- Some businesses with smoking clientele sweep up sidewalks in the morning
- Coastal clean-up events are regularly scheduled, especially by the Noyo Center for Marine Science

Nevertheless, there is always a need for litter pick up efforts that would include the collection and disposal of cigarette butts. Any person, group, or organization could volunteer for this work under the Community Stewardship Program. See also item 1 above.

This would be a great opportunity for a volunteer group or organization to assist the City with public outreach and/or education.

7. (Added by City staff) Consider participation in the Terracycle cigarette recycle program.

Within the supplemental information provided by PACM was a reference to a cigarette recycling program provided by a company called Terracycle. Terracycle is a global company specializing in a wide range of recycling services. One such service is the recycling of cigarette butts. Terracycle works with the Santa Fe Natural Tobacco Company (manufacturers of Natural American Spirit cigarettes) to recycle cigarette butts and related tobacco waste. The recycling of this waste can be done at no cost to the City. However the waste does need to be packaged for shipment. Cigarette butt collection receptacles can be purchased from Terracycle for a little more than \$100 apiece.

Committee Recommendations for Council Consideration

- The Committee considered the Community Stewardship Program a worthwhile undertaking.
- Should grass/weed removal be made part of the stewardship program? There are some potential concerns involving volunteer safety and how weed removal can be accomplished.
- City Council should authorize and fund overtime for additional street sweeping to target problem areas.
- City Council should consider if strengthening the litter ordinance is desired. The Council can draw on provisions from the MTWA or incorporate other ideas.
- The City should install cigarette receptacles/canisters including signage that is consistent with the City's litter ordinance. Suggested language is, "No Smoking Within 20 feet – Place Waste in Receptacle." A short message was recommended for best results.
- The City Council should give consideration to the MTWA as a tobacco waste management program. What, if any, provisions should be added to the municipal code?
- The Committee did not support a ban on the sale of filtered cigarettes.
- The cigarette butt recycling program through Terracycle should be pursued.

FISCAL IMPACT:

If expanded street sweeping is added, the Committee recommended doing so on an overtime basis to not reduce City services elsewhere. Gas tax revenues contained within the General Fund would be a possible funding source. Depending on how much litter control or tobacco waste management activities are expanded, City costs would increase proportionally.

ATTACHMENTS:

1. Progressive Alliance Center Mendocino, "No Butts" report

2. Model Tobacco Waste Act

NOTIFICATION:

1. Progressive Alliance Center Mendocino, Mr. Rod Jones

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____