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Distance Rule Set for Smoking at City Playgrounds

By [Michael Laris](#)

Washington Post Staff Writer
Tuesday, September 15, 2009

Rockville officials are planning friendly little signs.

Maybe something like: "Children at Play -- Please Smoke 40 Feet Away From the Playground."

That's no nanny-state overreach, they insist. It's about as slight an inconvenience as the city can muster. "We're really not asking them to go too far out of their way," said Burt Hall, Rockville's director of recreation and parks.

The city council voted Monday night to ban lighting up near playgrounds in city parks. Rockville's park advisory board had unanimously endorsed the plan, which sprang from a few complaints.

Even tighter rules may be on the way. Some residents had pushed for a total ban on smoking in parks, a concept also floated Monday by a top health official in New York City. That idea was not voted on Monday, but most on the council said they would be open to considering a broader ban later.

"We're supposed to be outdoors being healthy, not smoking or spreading secondhand smoke to others," Mayor Susan R. Hoffmann said.

The playground proposal emerged from fertile territory for smoking bans. Montgomery County's restaurant smoking ban, which took effect in 2003, was touted as a trendsetter, and Montgomery College bans the use of all tobacco products on campus, even in private cars. In Rockville, smoking is banned at a dog park.

"It wasn't a huge groundswell. We didn't hear from hundreds of people. We heard from three. It was a good idea. It's actually a no-brainer," Hall said. "Secondhand smoke is proven dangerous. It's also obnoxious."

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One of the three was Rockville resident Michele Schwartzman. In an e-mail to city officials, she outlined her family's recent encounter with a smoker on the playground at Mattie J.T. Stepanek Park.

"It is a public park, but seriously, there are lots of little kids playing and they don't need to be exposed to the secondhand smoke," Schwartzman wrote.

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Hall said the city had received no negative feedback about the ban, but Thomas Firey, a regulatory policy analyst at the libertarian Cato Institute and the Maryland Public Policy Institute, said the idea represents unnecessary interference.

"You shouldn't smoke. It's bad for you. But if you truly believe in a liberal society, then you believe in the rights of other people to do things different than you do," Firey said. "When we hear cases like this, what we're really hearing is people who really, really dislike

smoking. So they are taking one piece of science . . . and they are pushing it to an extreme in order to push their own personal values on the society."

Dawn Ward, a spokeswoman for the American Cancer Society, said her organization backs the ban. "Secondhand smoke is dangerous. It kills people," Ward said. The Rockville measure, which takes effect immediately, "will limit it, and that's a good thing."

Rockville first put rules in place two decades ago banning smoking near playing fields for games and practices, officials said.

Council member Phyllis Marcuccio said she was worried that the 40-foot no-smoking ban could affect neighboring residences, but city officials said the rule would apply only to park property. There are no fines involved, city officials said.

"We're going to count on people to be reasonable and abide by this policy without a lot of hoopla," Hall said. Police will respond to complaints, though with a light touch, he said.

Schwartzman said she had no idea that her e-mail would prompt action. "It was just a whim," she said. "It actually made me feel like I was being listened to."

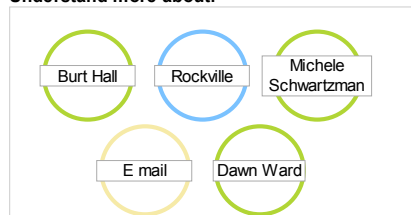
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