

Montgomery Council approves smoking ban at playgrounds

By: Amy Myers | 07/12/11 8:05 PM

Law relies on neighbors to report violators

The Montgomery County Council approved a smoking ban at playgrounds and indoor common spaces on Tuesday, asking neighbors to report offenders.

The ban restricts smoking within 25 feet of playgrounds and in the shared spaces of multifamily residential buildings, such as apartment hallways or lobbies.

Two witnesses can file a complaint identifying the smoker, as well as the time and place of the violation, to start an investigation. Otherwise, a county Health and Human Services Department employee must catch a violator lighting up.

The county Office of Management and Budget estimates that the 25 complaints expected each year will cost the county \$11,000, or \$440 per complaint. Each complaint, they estimate, will require eight hours of staff time.

Councilman Craig Rice, D-Germantown, who sponsored the county's Clean Indoor Air Act, was the only council member to oppose the playground ban, saying the system of enforcement was an issue.

Rice said parts of the ban are "not yet ready for prime time."

Bruce Bereano, a lobbyist for the tobacco industry in Maryland, said the law will not only be difficult to enforce, but also will cause tension between smoking and nonsmoking residents.

"It's going to create conflicts between neighbors in condominiums, buildings and communities," he said.

Apartment and playground owners must post no-smoking signs within 30 days of the ban's adoption in restricted areas, but will not be fined for violations on their premises.

The council on Tuesday voted down extending the ban to outdoor common areas, like parking lots and pools, but some council members see the most recent ban as a step toward bigger restrictions.

Councilwoman Nancy Floreen, D-at large, plans to pursue a "county resolution where we could impose such a restriction on all public places," and Councilman Marc Elrich, D-at large, said he supports a smoking ban in parks.

Montgomery County has led the charge against smoking in Maryland as the first county in the state to ban smoking in restaurants and bars in 2003.

Howard County will be the first county in Maryland with smoke-free public parks, thanks to an executive order by County Executive Ken Ulman this week.

In Reston, which already outlaws smoking on playgrounds, residents began petitioning last month to expand the existing smoking ban to all public spaces.

Bereano said he believes Tuesday's restrictions could lead to a bigger ban in Montgomery County.

"This is just another act that uses children as the Trojan horse to hassle adults who smoke," he said.