

Commission on Local Government

Estimate of Local Fiscal Impact

2019 General Assembly Session

Bill: SB1304

Patron: Edwards

Date: 1/16/2019

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Smoking in outdoor amphitheater or concert venue; civil penalty. Authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality. The bill requires such ordinance to (i) require adequate signage designating such areas, (ii) provide that a violation of such ordinance is subject to a civil penalty of not more than \$25 to be paid into the treasury of the locality where the offense occurred and expended solely for public health purposes, and (iii) provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance.

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**Executive Summary:**

Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$500.00. However most localities indicated that the bill would have little to no fiscal impact, and noted that the cost would be related to adjusting local ordinances, installing "no smoking" signs, and the cost to write the summons regarding the violations by the public safety officer. Some localities noted that the cost would be offset by the potential revenue from this bill. One locality noted that the penalty is low to which most public safety officers could give a warning to those violating the code. Other localities noted that there would be no cost as they do not have any amphitheater or concert venue.

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**Local Analysis:**

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$0.00

Staff do not see any significant expenditure/revenue should a local ordinance be implemented.

Possible non-monetary impacts could include issues with sponsors for events that might be related to the tobacco industry.

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Locality: City of Norfolk

Estimated Fiscal Impact: \$0.00

The City of Norfolk expects a minor impact from the bill. The City of Norfolk has designated outdoor smoking areas at all venues owned by the city and prohibits smoking of any kind indoors at all venues. Each designated area has signage and all prohibited areas also have appropriate signage. The only impact Norfolk would see is adjusting city ordinances to change the penalty from a Class 4 Misdemeanor to the civil penalty of up to \$25 as well as designate collected funds for public health purposes.

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Locality: City of PoquosonEstimated Fiscal Impact: \$0.00

For my region, no fiscal impact due to not having outdoor amphitheater or concert venue. My opinion is the penalty is low due to the fact that most public safety officers will give a warning to the individual who is violating the code. Therefore it would cost the locality time value for the public safety officer to wrote the summons regarding a violation of the ordinance seeing how the officer has already spent time once before to give the warning.

Locality: City of Virginia BeachEstimated Fiscal Impact: \$0.00

It is not anticipated that SB1304 would result in regular expenditures by the City of Virginia Beach (aside for the potential cost of the initial installation of signs), and may present an unknown, yet likely small annual revenue gain. Generally, events at the Veterans United Home Loans Amphitheater already have local law enforcement present, so enforcement of this civil penalty would not result in any additional law enforcement cost.

Locality: City of WinchesterEstimated Fiscal Impact: \$100.00

Not a big impact on the City of Winchester, only for posting of signs. It would be good to have this authority.

Locality: Fairfax CountyEstimated Fiscal Impact: \$0.00

There will be a minimal expenditure impact for the cost of putting up 'no smoking' signs. There may be a minimal positive revenue impact from citations issued for smoking in non-smoking areas.

Locality: Henrico CountyEstimated Fiscal Impact: \$0.00

Henrico County does not own an outdoor amphitheater or concert venue. Therefore, this bill does not currently have a fiscal impact.

Locality: Prince George CountyEstimated Fiscal Impact: \$0.00

Prince George County does not own such an outdoor venue.

Locality: Rappahannock CountyEstimated Fiscal Impact: \$0.00

The proposal includes permissive language "Any locality, by ordinance, MAY designate reasonable ..." and as such the fiscal impact is negligible to those that have no interest. Localities that choose to proceed with a local ordinance can consider the cost of enforcing the regulation compared with the benefits.

**Locality:** Spotsylvania County

**Estimated Fiscal Impact:** \$500.00

If an ordinance such as this is passed, Spotsylvania County would incur costs of less than \$500 for the necessary signage.

**Locality:** Town of Blacksburg

**Estimated Fiscal Impact:** \$0.00

No significant impact to the Town as we do not have outdoor amphitheater or concert venues owned by the Town.

It would not be a very large source of revenue and the town does not have public health responsibilities. It may have to be sent to our County if to be expended solely for public health purposes.

**Locality:** Town of Luray

**Estimated Fiscal Impact:** \$0.00

Enforcement would offset any potential revenue from this bill.

**Locality:** Town of Marion

**Estimated Fiscal Impact:** \$500.00

This will have minimal financial impact. I would question what "reasonable no-smoking areas" would look like, depending upon venue. Wouldn't it be better to define smoking areas, which is what most venues do now and impact a much smaller population of attendees?

**Locality:** Town of Marion.

**Estimated Fiscal Impact:** \$0.00

It is my belief that such an ordinance would have negligible impact on budgets, with a fine of less than \$25 that would rarely be assessed if the law enforcement officer properly uses his/her discretion and first warns the violator. However, since by definition these venues are outdoors and smoke travels with wind, I am not certain designating certain areas as "non smoking" will do much, either. I understand the sentiment, but this is a Band-Aid approach.

**Professional and Other Organization Analysis:**

**Organization:** Northern Neck PDC

No significant fiscal impact.