

CITY OF LONG BEACH

Department of Parks, Recreation and Marine

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May 3, 2005

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach

California

RECOMMENDATION:

1. Receive and file the recommendation of the Marine Advisory Commission to not ban smoking on City beaches; and
2. Request the City Attorney to prepare an Ordinance amending the Long Beach Municipal Code to prohibit smoking on all sand areas of the City's beaches, the beach bike path, and beach launch ramps, with the exceptions of outdoor dining areas of beach concessions, permitted filming, and permitted special events (Districts 2 and 3).

DISCUSSION

On August 10, 2004, the City Council requested that the Marine Advisory Commission (MAC) obtain public input concerning making the City's beaches smoke-free, and to return to the City Council with a recommendation (Attachment #1). Staff presented the City Council's request to the MAC at its August 12, 2004 meeting, and a public meeting was set for September 2, 2004.

Research

In preparation for the public hearing, City staff researched the policies of other coastal cities and counties with adopted smoke-free beach policies. These include:

Carpenteria	Manhattan Beach
Huntington Beach	Newport Beach
Laguna Beach	San Clemente
Los Angeles (City)	Santa Monica
Los Angeles County (Unincorporated Areas)	Solana Beach
Malibu	

Reasons cited by the above agencies for a smoke-free beach policy include the:

- Reduction in the potential for secondhand smoke exposure.
- Reinforcement in youth that smoking is not a healthy activity.

- Reduction in the potential for young children to handle cigarette butts.
- Reduction in the carcinogens from cigarette butts leaching into the ocean.
- Reduction in the amount of litter (cigarette butts) on beaches.
- Reduction in the potential health impact on wildlife.

Draft Policy

For purposes of discussion at the public meeting, staff from the Parks, Recreation and Marine Department, Health and Human Services Department, and the Fire Department/Marine Safety Division developed a draft smoke-free beaches policy for the City of Long Beach. This draft policy was as follows:

Prohibit smoking on all sand areas of the City's beaches, the beach bike path, and beach launch ramps, with the exceptions of outdoor dining areas of beach concessions, permitted filming, and permitted special events. Beach concessions, permitted filming, and permitted special events must have an approved cigarette disposal plan.

Staff did not include beach parking lots, the marinas, or the Belmont Veterans Memorial Pier in the draft policy. The exclusion of the beach parking lots was based on two factors. First, the parking lots would provide places for beach patrons to smoke, should they wish to. Second, staff believes it would be difficult to distinguish between an individual smoking in a parking lot versus smoking in his/her vehicle.

The exclusion of the marinas from the draft policy was based on the knowledge that the improper disposal of cigarette butts is not a significant problem in the marinas. It should be noted that the marina's tenants (boat owners) were not included in the noticing procedures for a smoke-free beach policy. Should the City Council desire to include the marinas in a smoke-free beach policy, staff recommends that action be deferred to provide boat owners with sufficient notice.

The exclusion of the Belmont Veterans Memorial Pier from the draft policy was based on the fact that primarily recreational fishermen utilize the pier. Staff believes that a discussion regarding the prohibition of smoking on the pier might be deferred until such time that the pier improvements are complete.

Lastly, the draft policy was developed with the knowledge that the Police Department does not have the resources to actively enforce a smoke-free beach policy. Thus, the success of a smoke-free beach policy would depend, in large degree, on the voluntary compliance of smokers.

Public Meeting

The MAC's public hearing was held on September 2, 2004 in the City Council chambers. Three Commissioners were present to receive public input on the draft smoke-free beaches policy. Approximately 25 people attended, 9 of which spoke to the issue. The speakers included:

Captain Charles Moore, Founder of Algalita Marine Research Foundation
Mrs. Evangelina Ramirez, Long Beach resident and parent of asthmatic child
Mr. James Walker, Director of STAMP (Stop Tobacco Access to Minors Pronto!)
Mr. Evan Braude, Long Beach resident and former City Council member
Dr. Alan Henderson, CSULB Professor and former state and local president of the American Cancer Society
Ms. Deliah Thomas, 15-year old student and asthmatic
Mrs. Wanda Kenlow Thomas, community volunteer and parent
Ms. Theresa Marino, Long Beach resident and Manager of the Public Health Bureau, City of Long Beach Department of Health and Human Services
Dr. Vil Ventura, Long Beach resident and substance abuse counselor

All of the speakers expressed support for a smoke-free beach ordinance. Several also expressed their belief that the draft policy was not comprehensive enough.

Written statements of support for a smoke-free beach policy were also received from:

Coalition for a Smoke Free Long Beach (Attachment #2)
Commission on Youth and Children (Attachment #3)
Department of Health and Human Services (Attachment #4)
Adult and Youth Citizens (Attachment #5)

MAC Discussion and Recommendation

At its September 17, 2004 meeting, the MAC received a staff report regarding the proceedings of the September 2, 2004 public hearing. After a period of discussion, the MAC, on a majority vote, failed to support the proposed smoking ban on the beaches of Long Beach. The reasons for the lack of support, which are also detailed in a letter from Chairman Richard A. Miller (Attachment #6) are as follows:

- A number of Commissioners were not sure what the proposal was attempting to accomplish. If it was to control cigarette butt litter on the beach, there is already a no littering ordinance on the books. If it was to keep secondhand smoke from non-smokers or children, the thought was that there was a lot of beach in Long Beach to avoid the limited number of smokers.

- A number of Commissioners were reluctant to support a law that would not be actively enforced, but would rely on signage, education, and self-policing for enforcement.
- A number of Commissioners held the belief that the majority of cigarette butts that ended up on our beaches were from the Los Angeles River runoff, not from smokers on the beach.

This letter was reviewed by Deputy City Attorney Charles Parkin on April 26, 2005 and by Budget Management Officer David Wodynski on April 26, 2005.

TIMING CONSIDERATIONS

City Council action is not time critical.

FISCAL IMPACT

The cost of signage associated with a smoke-free beach policy is estimated to be \$5,000. This expenditure will be funded through existing appropriation in the Tidelands Operations Fund (TF) in the Department of Parks, Recreation and Marine (PR). The cost to actively and effectively enforce a smoke-free beach Ordinance has not been calculated as of this time. Any active enforcement of the Ordinance would require additional enforcement staffing. Budget for this activity would need to be offset by reductions elsewhere within the Tidelands Operations Fund.

SUGGESTED ACTION:

Approve recommendation.

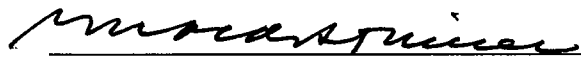
Respectfully submitted,



PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION AND MARINE

PTH:GH
Attachments

APPROVED:



GERALD R. MILLER
CITY MANAGER