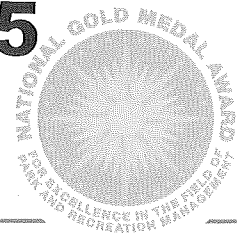


**ORD-35**

## **CITY OF LONG BEACH**

DEPARTMENT OF PARKS, RECREATION & MARINE



2760 N. Studebaker Road, Long Beach, CA 90815-1697  
(562) 570-3100 • FAX (562) 570-3109  
[www.LBParks.org](http://www.LBParks.org)

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October 19, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### **RECOMMENDATION:**

Authorize the City Manager to concur in the recommendation of the Parks and Recreation Commission to ban smoking in all outdoor areas improved or developed by or on behalf of the City of Long Beach that are open to the general public for park or open space use, including, but not limited to, public parks, picnic areas, playgrounds, sports or playing fields, walking paths, gardens, hiking trails, bike paths, and any other areas designated a park by the Director of the Department of Parks, Recreation and Marine; concur in the recommendation of the Department of Parks, Recreation and Marine to exempt City golf courses and permitted activities, including, but not limited to, filming and/or special events, from the smoking ban; and declare Ordinance amending the Long Beach Municipal Code by adding Section 8.68.066 and Subsection 8.68.120.C relating to smoking prohibited in City parks and other recreation areas, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

### **DISCUSSION**

On July 6, 2010, the City Council requested that the City Manager work with the Parks and Recreation Commission (Commission) to develop a recommendation for prohibiting smoking in parks of a particular size and smaller, and provide the recommendation to the City Attorney to draft an ordinance.

The Commission discussed this item at its meetings held on July 22, August 19, and September 16. At its meeting held on September 16, the Commission adopted a motion by a unanimous vote to recommend to the City Attorney that smoking be banned in all parks in Long Beach, with golf courses subject to a separate study. The Commission reviewed data provided by the City of Long Beach, Department of Health and Human Services' Tobacco Education Program, including statistics on health dangers from smoking, and the fact that currently, over 140 cities and counties in California have implemented a complete or partial ban of smoking in their parks (Attachment). The Commission also received input from groups and individuals supporting a ban, and discussed concerns about personal freedoms and the potential

negative impacts such a ban could cause to the tourism industry in Long Beach. The Commission's final decision was that encouraging proper health practices and protection of the public are part of the mission of the Department of Parks, Recreation and Marine, and therefore, it would be appropriate to ban smoking in all City parks, regardless of size.

The Commission does not control how the City of Long Beach (City) conducts its golf operation. However, the Commission has recommended that further study be done on the feasibility of a smoking ban on the City's five municipal golf courses. American Golf Corporation, which operates the City's five municipal golf courses under a master lease approved by the City Council, is opposed to a smoking ban on the City's golf courses. The Municipal Golf Commission, citing potential negative impacts to revenue and the lesser likelihood of secondhand smoke endangering youth on the golf courses, recommended to the Department of Parks, Recreation and Marine (PRM) that any smoking ban shall not include the City's golf courses. Of the more than 140 California cities and counties that prohibit smoking in their parks, the majority exempt their golf courses from such bans.

In addition, due to potential negative impacts to revenue cited by the Office of Special Events and Filming, PRM recommends that permitted activities, including, but not limited to, filming and/or special events, also be exempted from a smoking ban.

Because the cost of installing new signs in all park areas covered by this ban would be prohibitive, the Ordinance being recommended was drafted to provide that the absence of signs is not a defense to a smoking ban violation. Therefore, if the Ordinance is adopted, the ban may be enforced without the need to immediately post signs throughout the parks stating the specific violation. Any new signage posted in a park would include language concerning the smoking ban.

Long Beach Municipal Code, Section 8.68.190 – Violations and penalties states:

Any person or entity violating any provision of this chapter is guilty of an infraction, and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) for a second violation within one (1) year, and five hundred dollars (\$500.00) for a third and for each subsequent violation within one (1) year.

The Department of Health and Human Services administers the above Ordinance. The City Prosecutor may prosecute smoking violations in bars and other public places after notification of a complaint. Currently, violations at bus stops and on beaches are handled through self-enforcement. If the recommended Ordinance is adopted, the same procedure will be followed in City parks. However, police and park rangers will continue to have the authority to cite offenders immediately if they witness a violation. In addition, in order to prevent smoking violations in City parks, PRM recommends that an effort be made to educate the public about the new restrictions.

HONORABLE MAYOR AND CITY COUNCIL

October 19, 2010

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This matter was reviewed by Deputy City Attorney Linda Trang on October 1, 2010, and Budget Management Officer Victoria Bell on September 30, 2010.

TIMING CONSIDERATIONS

City Council action is requested on October 19, 2010, in order to expedite the implementation of the smoking ban in City of Long Beach parks.

FISCAL IMPACT

Provided signage is not immediately required in all City parks, there are no significant costs associated with this recommendation. Should the City Council decide that blanket signage is necessary, the cost to create and install signs would be in excess of \$30,000, at which point funds will need to be identified. There is no impact to jobs associated with this request.

SUGGESTED ACTION:

Approve recommendation.

Respectfully Submitted,



PHIL T. HESTER  
DIRECTOR OF PARKS, RECREATION AND MARINE

PTH:JCS:RL:jlr

Attachment: Ordinance  
List of Smoke Free Park Ordinances in California – October 2010

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

### **List of Smoke Free Park Ordinances in California – October 2010**

The following list of smoke free parks ordinances was compiled from lists by the California Clean Air Project (2009) and Americans for Nonsmokers' Rights Foundation (2010). The ordinances included in this list differ in scope; although most ordinances include a complete ban of smoking in parks, some are not 100% bans on smoking in parks.

	Municipality	
1.	Alameda County	
2.	Albany	
3.	Alhambra	
4.	Amador County	
5.	Arcata	
6.	Arroyo Grande	
7.	Atascadero	
8.	Baldwin Park	
9.	Banning	
10.	Belmont	
11.	Berkeley	
12.	Beverly Hills	
13.	Blue Lake	
14.	Burbank	
15.	Calabasas	
16.	Calexico	
17.	Camarillo	
18.	Capitola	
19.	Carlsbad	
20.	Carpinteria	
21.	Carson	
22.	Ceres	
23.	Cerritos	
24.	Chula Vista	
25.	Claremont	
26.	Clayton	
27.	Clovis	
28.	Colton	
29.	Concord	
30.	Contra Costa County	
31.	Corona	
32.	Coronado	
33.	Covina	
34.	Crescent City	
35.	Culver City	
36.	Del mar	
37.	El Cajon	
38.	El Monte	
39.	Emeryville	
40.	Encinitas	
41.	Fairfax	

	Municipality	
42.	Firebaugh	
43.	Fountain Valley	
44.	Fowler	
45.	Fresno City	
46.	Fresno County	
47.	Gardena	
48.	Glendale	
49.	Glendora	
50.	Grand Terrace	
51.	Hawthorne	
52.	Hayward	
53.	Healdsburg	
54.	Huntington Park	
55.	Imperial Beach	
56.	Imperial County	
57.	Irvine	
58.	Jackson	
59.	La Mesa	
60.	La Puente	
61.	Laguna Hills	
62.	Laguna Niguel	
63.	Laguna Woods	
64.	Lake Forest	
65.	Lakeport	
66.	Lathrop	
67.	Loma Linda	
68.	Lomita	
69.	Los Alamitos	
70.	Los Angeles City	
71.	Los Angeles County	
72.	Mammoth Lakes	
73.	Manhattan Beach	
74.	Marin County	
75.	Martinez	
76.	Modesto	
77.	Monterey Park	
78.	Moreno Valley	
79.	Napa	
80.	National City	
81.	Norco	



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING SECTION 8.68.066 AND  
SUBSECTION 8.68.120.C RELATING TO SMOKING  
PROHIBITED IN CITY PARKS AND OTHER RECREATION  
AREAS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 8.68.066 is added to the Long Beach Municipal Code  
to read as follows:

8.68.066 Smoking prohibited – City parks and other recreation areas.

A. Smoking shall be prohibited in any outdoor area that has been  
improved or developed by or on behalf of the City, and open to the general  
public for park or open space use, including, but not limited to public parks,  
picnic areas, playgrounds, sports or playing fields, walking paths, gardens,  
hiking trails, bike paths, and any other areas designated a park by the  
Director of the Department of Parks and Recreation.

B. The provisions of this Section shall not apply to Municipal golf  
courses, or permitted activities, including, but not limited to filming and/or  
special events.

Section 2. Subsection 8.68.120.C is added to the Long Beach Municipal  
Code to read as follows:

C. Notwithstanding this Section, the presence or absence of  
signs shall not be a defense to the violation of any other provision of this

Chapter.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor