



## Legislation Details (With Text)

<b>File #:</b>	10-1152	<b>Version:</b>	2	<b>Name:</b>	PRM - ORD Ban smoking in outdoor areas
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	Adopted
<b>File created:</b>	10/4/2010	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	11/2/2010	<b>Final action:</b>		<b>Final action:</b>	11/2/2010
<b>Title:</b>	Recommendation to 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 and adopted as read. (Citywide)				
<b>Sponsors:</b>	Parks, Recreation and Marine				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 101910-ORD-35sr&att.pdf, 2. 110210-ORD-15att.pdf, 3. ORD-10-0034.pdf				

Date	Ver.	Action By	Action	Result
11/2/2010	2	City Council	approve recommendation and adopt	Pass
10/19/2010	1	City Council	approve substitute motion	Fail
10/19/2010	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to 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 and adopted as read. (Citywide)

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.

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

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.

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.

Approve recommendation.

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.

PHIL HESTER  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER