

ORDINANCE NO. ORD-05-0015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 8.68.020 AND 16.16.010 AND BY ADDING SECTION 8.68.065 TO BAN SMOKING ON CITY BEACHES, THE BEACH BIKE PATH AND BEACH LAUNCH RAMPS

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

WHEREAS, the City of Long Beach seeks to reduce the amount of pollution caused by discarded tobacco products such as cigarette and cigar butts; and

WHEREAS, the City of Long Beach seeks to reduce health risks to young children, as well as the likelihood that children will find and play with discarded tobacco products such as cigarette butts and/or cigar butts,

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 8.68.020 of the Long Beach Municipal Code is hereby amended in its entirety to read as follows:

8.68.020 Definitions.

The following words or phrases, whenever used in this ordinance, shall be given the following definitions:

A. "Adjacent Water Areas" shall mean 50 feet seaward of the mean high tide line of the City Beaches.

B. "Bar" means an area which is devoted to serving of alcoholic beverages and in which the service of food is only incidental to the

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1 consumption of such beverages. Bar shall also include a nightclub or
2 cabaret where entertainment and/or dancing are provided in addition to
3 the consumption of alcoholic beverages or food.

4 C. "Beach Bike Path" shall mean that portion of the bike path
5 located on the sand areas of the beach from the eastern edge of the Long
6 Beach Shoreline Marina parking lot at approximately Alamitos Avenue
7 easterly to the southeastern corner of the intersection of Ocean Boulevard
8 at approximately Bayshore Avenue.

9 D. "Beach Launch Ramps" shall mean the launch ramps located at
10 the foot of Claremont Avenue and Granada Avenue.

11 E. "Child care facility" means any location or portion thereof where
12 children other than those of the owner, operator or proprietor are cared for
13 or supervised in exchange for anything of value.

14 F. "Cigar" shall have the same definition as California Health and
15 Safety Code Section 104550, as currently defined or as may be amended.

16 G. "Cigarette" shall have the same definition as California Health
17 and Safety Code Section 104556 as currently defined or as may be
18 amended.

19 H. "City facility" means any enclosed structure wherever owned or
20 used by the City of Long Beach for its operations or activities.

21 I. "City vehicle" means any vehicle owned and operated by the City
22 for public purposes.

23 J. "Employee" means any person who is employed for any
24 employer for direct or indirect monetary wages or profit.

25 K. "Employer" means any person who employs the services of any
26 person other than himself or herself.

27 L. "Enclosed" means closed in by a roof and four (4) walls with
28 appropriate openings for ingress and egress but does not include areas

1 commonly described as public lobbies.

2 M. "Motion Picture Theater" means any theater engaged in the
3 business of exhibiting motion pictures.

4 N. "Playground," for purposes of California Health and Safety
5 Code Section 104495, is more specifically defined to mean twenty-five
6 feet (25') from the edge of a sand area within a city park or recreational
7 area specifically designed to be used by children and that has play
8 equipment installed in it.

9 O. "Public Place" means any enclosed area to which the public is
10 invited or in which the public is permitted, including, but not limited to,
11 retail stores, retail service establishments, retail food production and
12 marketing establishments, restaurants, theaters, auditoriums,
13 gymnasiums, waiting rooms, reception areas, educational facilities, health
14 facilities, public transportation facilities, bowling alleys, bingo parlors, hair
15 salons, laundromats, gaming clubs, bars, taverns, hotel and motel lobbies.
16 A private residence is not a "public place", except that the enclosed
17 common areas of apartment or condominium structures, if any, shall be
18 considered "public places" for purposes of Section 8.68.060.

19 P. "Service Line" means an indoor line or area in which persons
20 await service of any kind, regardless of whether or not such service
21 involves the exchange of money. Such service shall include, but is not
22 limited to, sales, providing information, directions, or advice and transfers
23 of money or goods.

24 Q. "Smoke" or "Smoking" shall mean the carrying of a lighted pipe,
25 lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar
26 or cigarette of any kind, including but not limited to, tobacco, or any other
27 weed or plant.

28 R. "Workplace" means any enclosed area of a structure or portion

1 thereof occupied by any entity and frequently by employees during the
2 normal course of their employment where clerical, professional,
3 manufacturing, business services or other normal and customary activities
4 of the entity are performed or where other work is done at that location.
5 Workplace also includes, but is not limited to, spaces in office buildings,
6 medical office waiting rooms, libraries, museums, gaming clubs, bars,
7 taverns, employee lounges, employee breakrooms, conference rooms,
8 and employee cafeterias. A private home is not a workplace, except
9 where such home is used as a child care facility as defined in Section
10 8.68.020(8).

11
12 Sec. 2. Section 16.16.010 of the Long Beach Municipal Code is amended
13 to add Section 16.16.010(R) to read as follows:

14 16.16.010(R) Smoking shall be banned on City beaches, the beach bike
15 path and City beach launch ramps as more specifically set forth in
16 Chapter 8.68 of this Code.

17
18 Sec. 3. Section 8.68.065 is added to the Long Beach Municipal Code to
19 read as follows:

20 8.68.065 Smoking prohibited - City beaches, beach bike path and beach
21 launch ramps.

22 Smoking shall be prohibited on all sand areas and Adjacent Water
23 Areas of City beaches, the Beach Bike Path and Beach Launch Ramps,
24 with the exception of designated outdoor dining areas or permitted beach
25 concessions and permitted activities, including but not limited to, filming
26 and/or special events.

27
28 Sec. 4. The City Clerk shall certify to the passage of this ordinance by the

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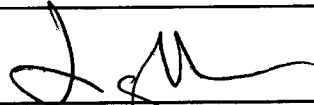
1 City Council and cause it to be posted in three conspicuous places in the City of Long
2 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

3 I hereby certify that the foregoing ordinance was adopted by the City
4 Council of the City of Long Beach at its meeting of June 14, 2005,
5 by the following vote:

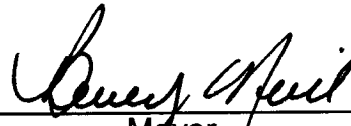
6 Ayes: Councilmembers: Lowenthal, Baker, Colonna, O'Donnell,
7 Kell, Richardson, Reyes Uranga,
8 Gabelich, Lerch.

9
10 Noes: Councilmembers: None.

11
12 Absent: Councilmembers: None.

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14 
15 _____
16 City Clerk

17 Approved: 6-20-2005

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19 _____
20 Mayor

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27 JCP:sek
05/26/05
28 L:\APPS\CtyLaw32\WPDOCS\D024\I004\00074554.WPD #05-02324