

<u>MEETING DATE</u>	06/26/06
<u>AGENDA ITEM</u>	Adoption of Ordinance Prohibiting Smoking in Culver City Parks

ATTACHMENTS

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1	Ordinance	1-6

ORDINANCE NO 2006-_____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING CHAPTER 9 10 OF THE CULVER
CITY MUNICIPAL CODE TO ADD SUBCHAPTER 9 10 500, *et*
seq RELATING TO THE PROHIBITION OF SMOKING IN
CULVER CITY PARKS

WHEREAS, the California Air Resources Board has identified environmental tobacco smoke, or secondhand smoke, as a Toxic Air Contaminant which may cause and contribute to death or serious illness including increased risks of cancer, and is especially hazardous to children and people with asthma and other respiratory problems and

WHEREAS, according to the United States Environmental Protection Agency, any level of exposure to secondhand smoke is harmful, and

WHEREAS, it is the intent of the City Council of the City of Culver City to provide for the public's health, safety, and welfare by discouraging the inherently dangerous activity of tobacco use around non-consenting individuals and

WHEREAS, The City Council hereby declares that this Ordinance, which establishes regulations prohibiting smoking in City parks and recreational areas, is necessary to protect the public from the hazards of smoking and secondhand smoke, particularly in City parks, which are intended as a safe environment for the use and enjoyment of Culver City residents and the general public, where individuals and families, especially children congregate for recreational and relaxation purposes

NOW THEREFORE the City Council of the City of Culver City, California **DOES HEREBY ORDAIN** as follows

SECTION 1 Chapter 9 10 of the Culver City Municipal Code is hereby amended to add subchapter 9 10 500, *et seq* as follows

SMOKING PROHIBITIONED IN PARKS AND RECREATIONAL AREAS

§ 9 10 500 Purpose

§ 9 10 505 Definitions

1 § 9 10 510 Prohibitions and Other Requirements

2 § 9 10 515 Exemption

3 § 9 10 520 Penalties and Enforcement

4 § 9 10 525 Conflict of Provisions

5 **§ 9 10 500 PURPOSE**

6 It is the intent of the City Council of the City of Culver City to provide
7 for the public's health, safety, and welfare by discouraging the inherently
8 dangerous activity of tobacco use around non-consenting individuals. The
9 City Council hereby declares that this subchapter which prohibits smoking in
10 Parks and Recreational Areas is necessary to protect the public from the
11 hazards of smoking and secondhand smoke, particularly in City parks, which
12 are intended as a safe environment for the use and enjoyment of Culver City
13 residents and the general public, where individuals and families, especially
14 children congregate for recreational and relaxation purposes.

15 **§ 9 10 505 DEFINITIONS**

16 For the purposes of this subchapter the following definitions shall
17 apply unless the context clearly indicates or requires a different meaning.

18 **Park or Recreational Area** shall mean any outdoor area owned or
19 operated by the City of Culver City or Culver City Redevelopment Agency
20 open to the general public for primarily recreational purposes, regardless of
21 any fee or age requirement including but not limited to picnic areas,
22 playgrounds, sports or athletic fields, walking paths, gardens, hiking trails,
23 bike paths, skateboard parks and dog parks. A Park or Recreational Area
24 shall not include the City Hall Courtyard, Town Plaza, any paved public
25 sidewalk immediately abutting the boundary of the Park or Recreational Area
26 or any parking area within the boundaries of the Park or Recreational Area.

27 **Smoking** or to **Smoke** shall mean the possession of a lighted

1 Tobacco Product, lighted Tobacco Paraphernalia, or any other lighted weed
2 or plant including a lighted pipe cigar hookah pipe, or cigarette of any kind
3 and the lighting of a Tobacco Product, Tobacco Paraphernalia or any other
4 weed or plant including a pipe, cigar, hookah pipe, or cigarette of any kind

5 **Tobacco Paraphernalia** shall mean cigarette papers or wrappers
6 pipes, holders of smoking materials of all types, cigarette rolling machines,
7 and any other item designed for the smoking preparation, storing, or
8 consumption of Tobacco Products

9 **Tobacco Product** shall mean

10 A any substance containing tobacco leaf, including but not
11 limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing
12 tobacco, dipping tobacco, bidis or any other preparation of tobacco, and

13 B any product or formulation of matter containing
14 biologically active amounts of nicotine that is manufactured, sold, offered for
15 sale, or otherwise distributed with the expectation that the product or matter
16 will be introduced into the human body, but does not include any product
17 specifically approved by the United States Food and Drug Administration for
18 use in treating nicotine or tobacco dependence

19 **§ 9 10 510 PROHIBITIONS AND OTHER REQUIREMENTS**

20 A Smoking within any Park or Recreational Area is
21 prohibited unless being done as part of a scene in a film television or live
22 performance production

23 B The disposal of any Tobacco Product or Tobacco Paraphernalia
24 within any Park or Recreational Area is prohibited, except in a City-
25 designated waste receptacle or unless being done as part of a scene in a
26 film, television or live performance production

1 C Nothing in this subchapter shall be construed to prohibit
2 Smoking in any area in which Smoking is already prohibited by state or
3 federal law unless the applicable state or federal law permits additional local
4 regulation

5 D Nothing in this subchapter shall be construed to grant any
6 person an affirmative right to Smoke or permit Smoking in any area in which
7 Smoking is otherwise prohibited by this subchapter, this Code, state, or
8 federal law, or prohibited by a person with property rights in the no-Smoking
9 area

10 E No person shall Smoke or knowingly permit Smoking in
11 an area under the person's legal or de facto control in which Smoking is
12 prohibited by this subchapter, this Code, state or federal law except a person
13 who is already compelled to act under state or federal law unless the
14 applicable state or federal law permits additional local regulation

15 F "No Smoking" signs, with letters of no less than one inch
16 in height and including the international 'No Smoking' symbol (consisting of
17 a pictorial representation of a burning cigarette enclosed in a red circle
18 crossed by a red bar), shall be clearly and conspicuously posted and
19 maintained at all main entrances to a Park or Recreational Area and
20 additional signs shall be posted in a quantity and manner reasonably likely to
21 inform individuals occupying the Park or Recreational Area that smoking is
22 prohibited within the area

23 G The absence of signs required by subsection (F) above
24 shall not be a defense to a violation of any provision of this subchapter

25 H No person shall intimidate, threaten any reprisal, or effect any
26 reprisal, for the purpose of retaliating against another person who seeks to
27 attain compliance with this subchapter

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1 provision of this Code this subchapter shall control

2 **SECTION 2** Pursuant to Section 512 of the City Charter, this Ordinance
3 shall take effect thirty (30) days after the date of its adoption Pursuant to Sections 514
4 and 517 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
5 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
6 Culver City News and shall post this Ordinance or a summary thereof in at least three
7 places within the City

8 **SECTION 3** The City Council hereby declares that, if any provision section,
9 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
10 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
11 reason of any preemptive legislation, then the City Council would have independently
12 adopted the remaining provisions, sections, subsections, paragraphs, sentences phrases
13 or words of this ordinance and as such they shall remain in full force and effect

14 **APPROVED AND ADOPTED** this 26th day of June, 2006

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CHRISTOPHER ARMENTA, City Clerk

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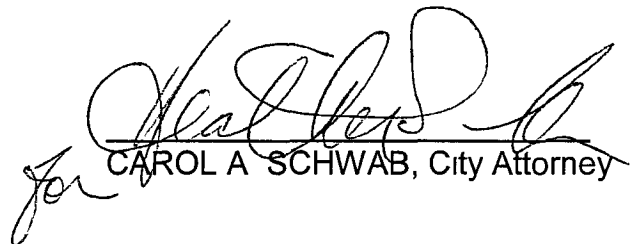
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GARY SILBINGER, Mayor
City of Culver City, California

APPROVED AS TO FORM


CAROL A. SCHWAB, City Attorney

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