

ORDINANCE NO. 316

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING SOLANA BEACH MUNICIPAL CODE SECTION 11.12.020 A TO INCLUDE TOBACCO LITTER AND ADDING SECTION 11.12.020 EE TO PROHIBIT SMOKING IN CITY PARKS AND BEACHES

THE CITY COUNCIL OF THE CITY OF SOLANA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose. The City Council of the City of Solana Beach hereby finds and declares that:

- A. The City of Solana Beach is committed to keeping its beaches and parks clean, safe, healthy and pleasant for everyone.
 - B. Smoking is hazardous to health. Numerous studies have shown that second-hand smoke is a significant public health hazard. The U.S. Environmental Protection Agency has classified second-hand smoke as a group A carcinogen, the most dangerous class of carcinogen. Smoking in parks and beaches endangers children and others by exposing them to second-hand smoke. Moreover, children and youth who observe smoking and tobacco use in public beaches and parks may model the behavior.
 - C. The U.S. Centers For Disease Control and Prevention (CDC) estimates that second-hand smoke causes 3,000 lung cancer deaths per year among adult non-smokers in the U.S. The California Environmental Protection Agency has concluded that second-hand smoke causes coronary heart disease in non-smokers. Second-hand smoke is especially hazardous to particular groups, including those with chronic health problems, the elderly and children. The CDC has found that second-hand smoke causes children to suffer from lower respiratory tract illness, such as bronchitis and pneumonia, exacerbates childhood asthma, and increases the risk of acute chronic middle ear infection in children.
 - D. Additionally, discarding cigarettes and cigar butts and tobacco onto the ground in City parks and beaches is unsightly, unclean and particularly hazardous to small children who handle and sometimes ingest them. The City must collect tobacco litter in parks and beaches or it will be collected by stormwater and washed directly into our ocean waters in violation of the City's stormwater pollution prevention permit and to the detriment of ocean life and all ocean users.
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- E. The City Council therefore determines that banning smoking and the improper disposal of tobacco products in City parks is necessary to protect the health, safety and welfare of Solana Beach residents and visitors.

SECTION 2. Section 11.12.020 A. of the Solana Beach Municipal Code is hereby amended to read as follows:

- A. To dump or deposit any trash, specifically including cigarette and cigar butts and tobacco, refuse, rubbish, litter, or other kind of waste materials, except in approved containers specifically placed and designated to receive such waste materials. No person shall dispose of any animal carcass in or on any beach or park.

SECTION 3. Section 11.12.020 EE of the Solana Beach Municipal Code is hereby added to read as follows:

- EE. No person shall smoke within the boundaries of any public beach or park unless the City has designated a specific temporary or permanent signed smoking area.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. This ordinance shall become effective thirty (30) days following its adoption. Within fifteen (15) days after its adoption, the City Clerk shall publish this ordinance, or the title hereof as a summary, in a newspaper of general circulation within the City of Solana Beach as required by law.

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INTRODUCED at a regular meeting of the City Council of the City of Solana Beach, California held on the 7th day of October, 2003, and thereafter


PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 21st day of October 21, 2003, by the following vote:

AYES: Councilmembers – Golich, Kellejian, Campbell, Sheres, Powell

NOES: Councilmembers – None

ABSENT: Councilmembers – None

ABSTAIN: Councilmembers – None



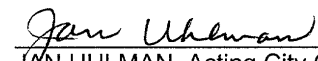
THOMAS S. GOLICH, Mayor

APPROVED AS TO FORM:

ATTEST:



CELIA A. BREWER, City Attorney



JAN UHLMAN, Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF SOLANA BEACH)

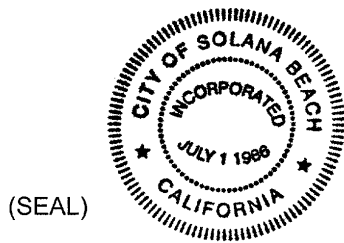
I, JAN UHLMAN, Acting City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is the original of Ordinance No. 316 duly passed and adopted by the City Council of the City of Solana Beach, California, at a Regular meeting thereof held on the 21st day of October, 2003.

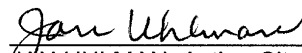
That, in compliance with the laws of the State of California, Ordinance No. 316 being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING SOLANA BEACH MUNICIPAL CODE SECTION 11.12.020 A TO INCLUDE TOBACCO LITTER AND ADDING SECTION 11.12.020 EE TO PROHIBIT SMOKING IN CITY PARKS AND BEACHES

A certified copy of the full text of Ordinance No. 316 along with the names of those City Councilmembers voting for and against said Ordinance was caused to be posted in the office of the City Clerk.

Executed the 23rd day of October, 2003.




JAN UHLMAN, Acting City Clerk

Published: North County Times: October 28, 2003
