COUNTY OF LOS ANGELES

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RAYMOND G. FORTNER, JR.
County Counsel

February 22, 2005

Honorable Zev Yaroslavsky
Supervisor, Third District
821 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Ordinance to Permanently Ban Smoking on County Beaches

Dear Mr. Yaroslavsky:

As requested, enclosed is an ordinance to permanently ban smoking on County beaches. It is forwarded to you at this time to ensure that it can accompany your proposed motion when presented to the Board of Supervisors for consideration.

If you have any questions regarding this ordinance, do not hesitate to contact this office.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By
MANUEL A. VALENZUELA
Principal Deputy County Counsel
Management Services Division

APPROVED AND RELEASED:

RAYMOND G. FORTNER, JR.
County Counsel

MAV:mga
Enclosure

ANALYSIS

This ordinance amends Chapter 11.64 of the Los Angeles County Code to ban smoking on public beaches in the unincorporated areas of the County of Los Angeles.

The ordinance:

- states findings and determinations of the board of supervisors that secondary smoke is a hazard to the health and safety of the general public;
- makes it unlawful to smoke on public beaches within the unincorporated areas of the county, with limited exception.

The ordinance would declare that it is to take effect immediately as an urgency ordinance.

RAYMOND G. FORTNER, Jr.
County Counsel

By: _____
MANUEL A. VALENZUELA
Principal Deputy County Counsel
Management Services Division

MAV:mag

ORDINANCE NO. _____

An ordinance amending Chapter 11.64, of the Los Angeles County Code by adding subsection G to Section 11.64.030 relating to smoking on public beaches.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Findings and declarations. The board of supervisors finds and declares as follows:

A. The Surgeon General of the United States has concluded that exposure to environmental tobacco smoke (ETS), commonly known as secondhand smoke or passive smoke, causes lung cancer in adults and respiratory problems in children;

B. The United States Environmental Protection Agency (EPA) conducted its own risk assessment of the health effects of ETS which not only reaffirmed the Surgeon General's conclusions, but identified ETS as a Group A carcinogen, estimating that it causes approximately 3,000 lung cancer deaths each year in nonsmoking adults;

C. The EPA has also identified ETS as a serious and substantial health risk for non-smokers, particularly children, estimating that every year, ETS is responsible for thousands of new asthma cases in children, up to one million asthma exacerbations, and up to 300,000 cases of bronchitis and pneumonia in toddlers, approximately 15,000 of which require hospitalization;

D. The California Environmental Protection Agency (Cal/EPA) has conducted a comprehensive assessment of the range of health effects connected with ETS

exposure, and concluded that ETS causes not only lung cancer in adults and respiratory problems in children, but also low birth weight, sudden infant death syndrome, middle ear infections, nasal sinus cancer, and heart disease morbidity and mortality;

E. The county department of health services recognizes that outdoor secondhand smoke can expose nonsmokers to toxic particulate concentrations which contribute to disease or aggravate existing illnesses;

F. The California Coastal Commission has reported that during its 2002 Coastal Cleanup Day volunteers collected 861,000 pounds of trash and recyclables, including more than 305,000 cigarette butts, from California shorelines;

G. Cigarette and cigar butts and used matches dropped into the sand on public beaches not only constitute a substantial source of environmental pollution, but more importantly create a health hazard to children who play in the sand and may ingest such debris;

H. Public beaches are recreational areas which are host to millions of visitors and families each year, with substantially larger concentrations of beach goers during the summer months;

I. Tobacco smoke is a hazard to the health of the general public and county workers and represents an annoyance which should be regulated and banned on public beaches to the end that air quality in such recreational areas be improved for the preservation and improvement of the health of the public;

J. The board of supervisors recognizes the county's commitment toward establishing, maintaining and promoting a healthful and safe recreational environment and reducing known health and safety risks of the public at large;

K. Restrictions on smoking at neighboring beaches in the jurisdictions of the cities of Los Angeles, Malibu and Santa Monica could lead to greater concentrations of smokers on county beaches where this restriction is not in effect; and,

L. Banning smoking on public beaches is necessary to protect the public health, safety and welfare of county residents, workers and visitors.

SECTION 2. Section 11.64.030, is hereby amended to add subsection G to read as follows:

11.64.030 **Smoking prohibited in designated areas.** Smoking shall be prohibited in the following places within the unincorporated area of the county of Los Angeles:

. . .

G. Within any area of a public beach, exclusive of parking areas designated for use by the public.

SECTION 3. This act is an urgency ordinance necessary for the immediate preservation of the public peace, health, or safety within the meaning of Government Code Section 25123(d) and shall go into immediate effect. The facts constituting the necessity are:

In order to immediately protect individuals and families using public beaches in the unincorporated areas of the county from unnecessary exposure to second hand smoke; to address smoking restrictions applicable to neighboring beaches which could lead to concentrations of

smokers on county beaches absent this restriction; and recognizing the year-round use of county beaches by visitors and residents, it is necessary for this ordinance to take effect immediately as an urgency ordinance.