



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Mayor Tell and the Honorable Members of the City Council

THROUGH: David N. Carmany, City Manager

FROM: Eve R. Irvine, Chief of Police
Christi Hogin, Special Counsel

DATE: September 6, 2011

SUBJECT: Adoption of an Ordinance Prohibiting Smoking on the Strand and Veterans Parkway (the Valley Ardmore Greenbelt).

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2152 amending Chapter 12.12 of the Municipal Code to prohibit smoking on the Strand and along Veterans Parkway (the Valley Ardmore Greenbelt) and establish penalties for violations thereof.

FISCAL IMPLICATION:

Staff does not anticipate any significant fiscal impact from adoption or enforcement of this Ordinance.

DISCUSSION:

At the July 5, 2011 meeting, the City Council considered a report with respect to the Fiscal Year 2010-2011 Work Plan Item regarding the development of an ordinance to prohibit smoking on the Strand. After discussion, City Council directed staff to develop an ordinance prohibiting smoking on the Strand and the Valley-Ardmore Greenbelt and present it at a subsequent meeting for the Council's consideration.

At the August 2, 2011 City Council meeting, City Council waived further reading and introduced Ordinance No. 2152 amending Chapter 12.12 to prohibit smoking on the Strand and along Veterans Parkway (the Valley Ardmore Greenbelt).

The proposed ordinance would prohibit smoking on both the Strand and the Valley Ardmore Greenbelt. Penalties for violation of the ordinance mirror those set forth in Chapter 4.116 (Regulation of Smoking in Public Areas and Places of Employment). The first violation would be punishable by a fine of \$50. A second violation in the same year would be punishable by a fine of \$100. Additional violations within the same year would each be punishable by a fine of \$250.

Attachment A: Ordinance No. 2152

ORDINANCE NO. 2152

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
PROHIBITING SMOKING ON THE STRAND AND ALONG VETERANS
PARKWAY (THE VALLEY ARDMORE GREENBELT) AND
ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF

The City Council of the City of Manhattan Beach does ordain as follows:

SECTION 1. Chapter 12.12 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

Chapter 12.12 – SMOKING PROHIBITED ON STRAND AND GREENBELT

12.12.010 – Definitions.

For purposes of this chapter:

- A. "Smoke" and "smoking" mean the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance. Smoking shall include the emitting or exhaling the fumes of any of the foregoing.
- B. "Strand" means the paved public right of way between the beach and the westerly property line of the properties nearest the Pacific Ocean.
- C. "Veterans Parkway" is the Valley Ardmore greenbelt and path that separates Valley Drive and Ardmore Avenue.

12.12.020 – Prohibitions.

- A. Smoking is prohibited on or along the Strand.
- B. Smoking is prohibited and on or along the Valley Ardmore Greenbelt.
- C. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof on the Strand or the Valley Ardmore Greenbelt except in a designated waste disposal container.

12.12.030 – Penalties.

- A. Each separate violation of this chapter is an infraction punishable by:
 - 1. A fine not to exceed \$50 for the first violation.
 - 2. A fine not to exceed \$100 for the second violation of this chapter within one year.
 - 3. A fine not to exceed \$250 for each additional violation of this chapter within one year.
 - 4. Punishment under this section shall not preclude punishment pursuant to Health and Safety Code Section 13002, Penal Code Section 374.4 or any other law proscribing the act of littering. Nothing in this section shall preclude any person, corporation or governmental entity from seeking any other remedies, penalties or procedures provided by law whether civil or criminal.

SECTION 2. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 3. Repeal or amendment of any provision of the Manhattan Beach Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 4. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in the manner prescribed by law within fifteen (15) days after its passage, and said ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED, and ADOPTED this 6th day of September, 2011.

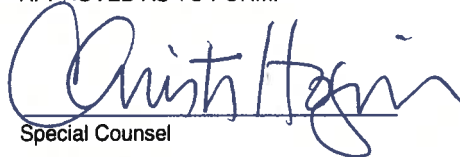
Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:


Special Counsel