



## Legislation Text

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**File #:** ORD 14-0008, **Version:** 3

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

**THROUGH:**  
Bruce Moe, Acting City Manager

**FROM:**  
Tony Olmos, Public Works Director  
Sona Coffee, Environmental Programs Manager

**SUBJECT:**  
Ordinance No. 14-0008 Prohibiting Smoking in Public Places and Regulating Electronic Cigarettes (Public Works Director Olmos).  
**ADOPT ORDINANCE NO. 14-0008**

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**RECOMMENDATION:**

Staff recommends that City Council waive further reading and adopt Ordinance No. 14-0008 to amend existing smoking regulations to include a citywide smoking prohibition in public places, regulate electronic cigarettes, and make a finding of exemption under CEQA.

**FISCAL IMPLICATIONS:**

Staff time and funding will be needed to oversee the creation and distribution of an outreach campaign to educate businesses and the public about the details of the ordinance. \$20,000 has been included for these purposes in the FY 2014-2015 budget. Every effort will be made to conduct work in-house to reduce the cost of any consultant services.

**BACKGROUND:**

At its June 3, 2014 meeting, City Council introduced this draft ordinance (Attachment 1).

In addition to two City Council discussions, Staff held two community meetings to seek the public's input on expanding the City's smoking regulations. Staff has met with local business representatives to notify businesses of the proposed amendments to the City's smoking regulations. Through these meetings, partnership with interested organizations (Beach Cities Health District, Behavioral Health Services, and Surfrider), and review of existing smoking ordinances in other cities, Staff has found that an expanded smoking prohibition would reduce the litter and pollution impacts associated with cigarettes, as well as decrease exposure to second-hand and third-hand smoke.

*Electronic Smoking Devices*

City Council directed that the City's smoking regulations prohibit the use of electronic smoking devices (e-cigarettes, nicotine vapor dispensers, etc.) everywhere that smoking is prohibited. Electronic smoking devices are typically battery operated devices that are filled with liquid nicotine, or other products, and utilize a vapor inhaler. The U.S. Food and Drug Administration conducted

laboratory analysis of e-cigarette samples and found they contained carcinogens and toxic chemicals to which users and bystanders could be partially exposed. Staff has prepared a summary of research on the use of electronic cigarettes (Attachment 2). Other local governments regulate the use of electronic cigarettes in locations where smoking is prohibited as well. For example, the cities of Alhambra, Beverly Hills, Gardena, Lakewood, Long Beach, and Los Angeles are among the 40 local governments including e-cigarettes in their definition of smoking.

**DISCUSSION:**

City Council directed Staff to update the draft ordinance with information regarding e-cigarettes and stormwater pollution. Staff has included the required information into the ordinance.

City Council also requested that the draft logos for the outreach campaign clearly indicate that smoking is prohibited in public places so that residents and visitors do not get the impression that the ordinance is a complete smoking ban in the City. Staff has included the updated logos for the “Breathe Free MB” outreach campaign for City Council to review (see Attachment 3).

**CONCLUSION:**

Staff recommends that the City Council waive further reading and adopt Ordinance No. 14-0008 to amend existing smoking regulations to include a citywide smoking prohibition in public places, regulate electronic cigarettes, and make a finding of exemption under CEQA.

Attachments:

1. Ordinance No. 14-0008
2. Memorandum on Electronic Cigarettes
3. Draft Logos for “Breathe Free MB” Smoke-Free Public Places Campaign