

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE CHAPTER 10A.3(b) AND ADDING SECTIONS 10A.3(e), 10A.3(f), and 10A.3(g) REGARDING SMOKING PROHIBITIONS

WHEREAS, the City of Oceanside is concerned with the health affects of smoking and second hand smoke to our residents and visitors alike;

WHEREAS, the City of Oceanside is also concerned with the trash and debris that is caused due to smoking; and

WHEREAS, an ad hoc committee comprised of members from the Harbor and Beaches Advisory Committee and the Parks and Recreation Commission have worked together to analyze the data regarding potential additional smoking prohibitions for the beach, pier and parks.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 10A, Section 10A.3(b) will be changed to read as “(b) Smoking prohibited – public parks. Smoking is prohibited within the boundaries of all public parks, including, but not limited to sidewalks, picnic areas, ball fields, play areas, and tot lots. Smoking is permitted in public parking lots, on public streets adjacent to public parks, and in public golf courses.

SECTION 2. Subsection (e) will be added to Chapter 10A, Section 10A.3. It will read as follows: (e) Smoking prohibited – public beaches. Smoking is prohibited and is unlawful within the boundaries of any public beach, including the picnic areas and tot lots. Smoking is permitted in the public parking lots adjacent to the beach, the band shell, on sidewalks and stairways and along public streets adjacent to the beach.

SECTION 3. Subsection (f) will be added to Chapter 10A, Section 10A.3. It will read as follows: (f) Smoking prohibited – Oceanside Pier. Smoking is prohibited and is unlawful on all wooden portions of the Oceanside Pier. Smoking is permitted only at the entrance of the pier which is primarily cement.

SECTION 4. Subsection (g) will be added to Chapter 10A Section 10A.3. It will read

1 as follows:(g) The provisions of this Chapter may be enforced pursuant to Section 1.12 of the
2 Municipal Code.

3 SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance is
4 for any reason held to be invalid or unconstitutional by a decision of any court of competent
5 jurisdiction, such decision shall not affect the validity of the remaining portions of this
6 Ordinance. The City Council hereby declares that it would have passed this ordinance and
7 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the
8 fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid
9 or unconstitutional.

10 SECTION 6. The City Clerk of the City of Oceanside is hereby directed to publish this
11 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
12 days after its passage in the North County Times, a newspaper of general circulation published
13 in the City of Oceanside.

14 SECTION 7. This ordinance shall take effect and be in force on the thirtieth (30th) day
15 from and after its final passage.

16 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
17 California, held on the ___ day of _____, 2006, and, thereafter,

18 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
19 Oceanside California, held on the ___ day of _____, 2006, by the following vote:

20 AYES:
21 NAYS:
22 ABSENT:
23 ABSTAIN:

24 MAYOR OF THE CITY OF OCEANSIDE

25 ATTEST:

26 APPROVED AS TO FORM:

27 _____
CITY CLERK

28 
CITY ATTORNEY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE
CHAPTER 10A.3(b) AND ADDING SECTION 10A.3(e), 10A.3(f), and 10A.3(g) REGARDING SMOKING PROHIBITIONS