



- 1           • The California Environmental Protection Agency included secondhand smoke on the  
2 Proposition 65 list of chemicals known to the state of California to cause cancer, birth  
3 defects, and other reproductive harm;<sup>5</sup> and

4           WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by  
5 the following:

6           a)       Secondhand smoke also known as environmental tobacco smoke is responsible  
7 for as many as 3,000 lung cancer deaths and 46,000 heart disease deaths each year among  
8 nonsmoking adults;<sup>6</sup>

9           b)       Secondhand smoke exposure increases the risk of lower respiratory tract  
10 infections, including bronchitis and pneumonia, which occur in infants and young children up to  
11 18 months of age;

12           c)       Secondhand smoke exposure causes lower respiratory tract infections, such as  
13 pneumonia and bronchitis in as many as 300,000 children in the United States under the age of  
14 18 months each year;<sup>7</sup> and exacerbates childhood asthma;<sup>8</sup> and

15           WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and  
16 exposure to secondhand smoke does occur at significant levels outdoors, as evidenced by the  
17 following:

- 18           • Levels of secondhand smoke exposure outdoors can reach levels attained indoors  
19 depending on direction and amount of wind and number and proximity of smokers;<sup>9</sup>

21           <sup>5</sup> California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. *Chemicals Known to the State to Cause  
22 Cancer or Reproductive Toxicity*. 2006, p. 8 & 17. Available at: [www.oehha.ca.gov/prop65/prop65\\_list/files/P65single081106.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf).

23           <sup>6</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading  
24 Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

25           <sup>7</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading  
26 Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

27           <sup>8</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading  
28 Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>9</sup> Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. San  
Francisco: University of California, San Francisco and Stanford University, 2004, p. 80, 87. Available at:  
[http://exposurescience.org/pub/reports/Outdoor\\_ETS\\_Final.pdf](http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf); see also Klepeis NE, Ott WR and Switzer P. "Real-Time Measurement of Outdoor  
Tobacco Smoke Particles." *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at:  
[www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf](http://www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf).

1 WHEREAS, creating smoke-free areas helps protect the health of the 86.9% of  
2 Californians who are nonsmokers;<sup>10</sup> and

3 WHEREAS, cigarette and cigar butts as well as tobacco waste are a source of  
4 litter/pollution on public property; and a potential cause of fires; and

5 WHEREAS, there is no Constitutional right to smoke;<sup>11</sup> and

6 WHEREAS, Sections 118910 and 118940 of the Health and Safety Code of the State of  
7 California permit the City to regulate smoking in any manner not inconsistent with the  
8 California Indoor Clean Air Act of 1976; and

9 WHEREAS, the Oceanside City Code currently bans the smoking of cigarettes, lighted  
10 pipes, cigars, and e-cigarettes in public parks, beaches, playgrounds, the Civic Center Plaza  
11 Complex, the Oceanside Pier; unenclosed dining areas,

12 WHEREAS, the area from the southern curb-line of Seagaze Avenue to the northern  
13 curb-line of Mission Avenue between the eastern curb line of the Strand and the western curb  
14 line of N. Pacific Street, which includes the Junior Seau Beach Community Center and Pier  
15 Amphitheatre and all steps, stairs, and ramps leading thereto, is already designated public park  
16 land; and

17 WHEREAS, it is the intent of the City Council, in enacting this ordinance, to provide for  
18 the public health, safety, and welfare by discouraging the inherently dangerous behavior of  
19 smoking around non-tobacco users, especially children; by protecting the public from exposure  
20 to secondhand smoke where they congregate in large groups; by reducing the potential for  
21 children to wrongly associate smoking with a healthy lifestyle; and by affirming and promoting  
22 a healthy environment in the City.

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

24 SECTION 2. Chapter 10A of the City of Oceanside Code, entitled Smoking is hereby  
25 amended to revise subsections (e) and (f) under Section 10A.3 Prohibitions as follows:

27 <sup>10</sup> California Department of Public Health, *News Release, State's Latest Tobacco Ads Debut*. December 20, 2010. Available at:  
[www.cdph.ca.gov/Pages/NR10-099.aspx](http://www.cdph.ca.gov/Pages/NR10-099.aspx).

28 <sup>11</sup> Public Health Law & Policy, Technical Assistance Legal Center. *There Is No Constitutional Right to Smoke*. 2005. Available at  
[www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke](http://www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke).

1           “(e) *Smoking prohibited—Public beaches.* Smoking is prohibited and is unlawful  
2 within the boundaries of any public beach, including the picnic areas and tot lots. Except where  
3 otherwise prohibited, smoking is permitted in the public parking lots adjacent to the beach, ~~the~~  
4 ~~band shell,~~ on sidewalks and stairways, and along public streets adjacent to the beach.

5           “(f) *Smoking prohibited—Oceanside Pier and Pier Plaza Area.*

6           (i) Smoking is prohibited and is unlawful on all ~~wøøden~~ portions of the  
7 Oceanside Pier, as well as below and on the ramps leading to the Pier.  
8 ~~Smoking is permitted only at the entrance of the pier which is primarily~~  
9 ~~ement.~~

10           (ii) Smoking is prohibited and is unlawful in the Pier Plaza Area.

11           a. For purposes of this Chapter, “Pier Plaza Area” is hereby defined and  
12 declared as follows:

13           i. That portion of the City of Oceanside bounded to the west by the  
14 easterly curb line of the Strand, bounded to the east by the  
15 westerly curb line of N. Pacific Street, bounded to the south by  
16 the northerly curb line of Mission Ave, and bounded to the north  
17 by the northerly side of the Oceanside Beach Community  
18 Center;

19           ii. Unless otherwise stated herein, the Pier Plaza Area specifically  
20 includes, but is not limited to, the Lifeguard Headquarters  
21 parking lot and area beneath the Pier, as well as any sidewalk,  
22 stairway, ramp or other way contained within the above-  
23 described boundaries, including, but not limited to, the Junior  
24 Seau Pier Amphitheater, its seating, stairways, and ramps, and  
25 all other ramps and stairs leading to the Oceanside Pier,  
26 including the concrete portion of the Pier.

27           iii. The Pier Plaza Area does not include any portion of the Strand.  
28

1            SECTION 3. The city clerk of the City of Oceanside is hereby directed to publish this  
2 ordinance once within fifteen (15) days after its passage in the San Diego Union Tribune, a  
3 newspaper of general circulation published in the City of Oceanside.  
4

5            SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
6 from and after its final passage.

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

13            INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
14 California, held on the \_\_\_\_\_ of \_\_\_\_\_, 2015 and, thereafter,

15            PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
16 Oceanside California, held on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

17            AYES:

18            NAYS:

19            ABSENT:

20            ABSTAIN:

21            \_\_\_\_\_  
MAYOR OF THE CITY OF OCEANSIDE

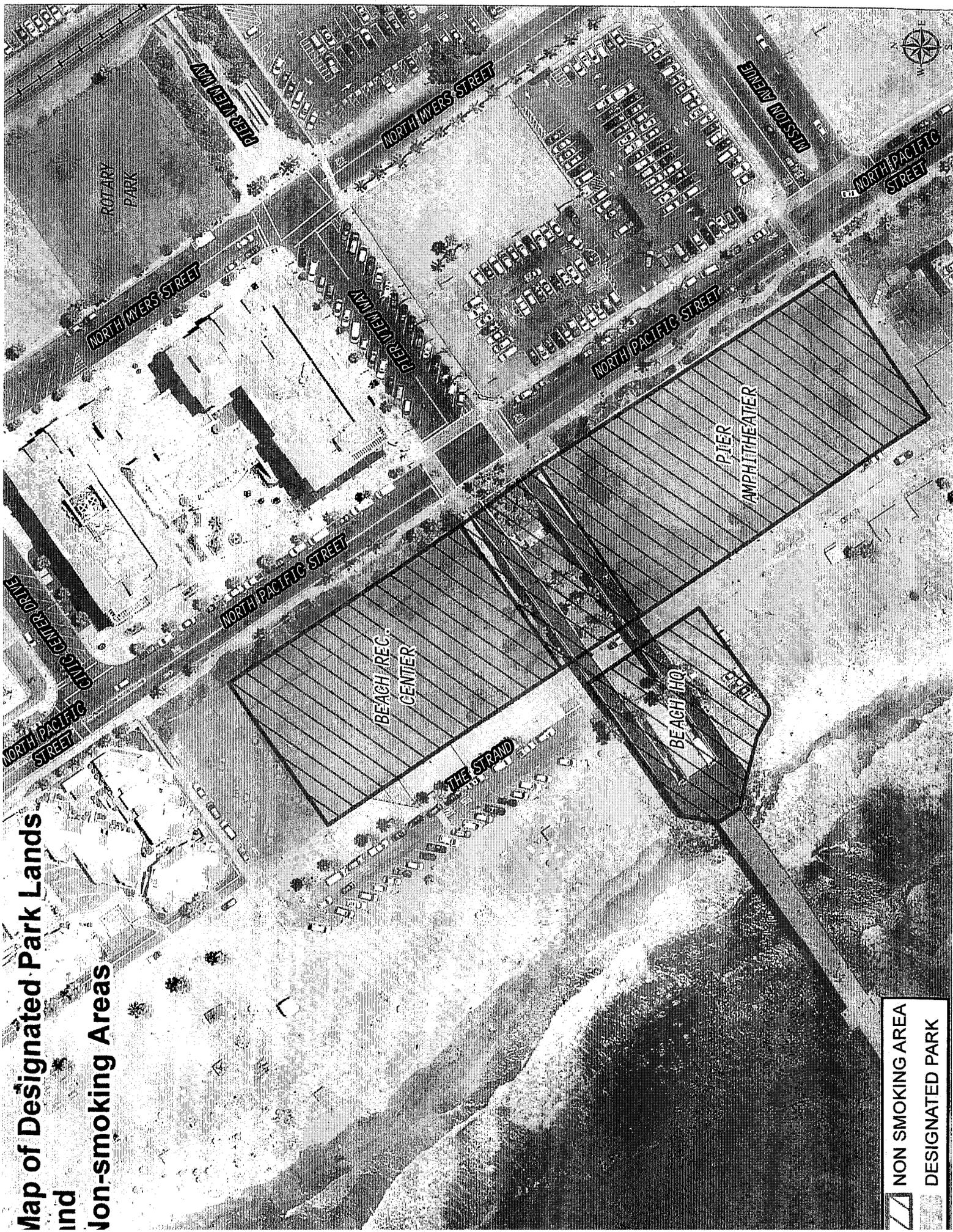
22  
23            ATTEST:

APPROVED AS TO FORM:

24            \_\_\_\_\_  
CITY CLERK

25              
CITY ATTORNEY

26 [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE  
27 AMENDING SUBSECTIONS (E) AND (F) UNDER SECTION 10A.3 TO  
28 CHAPTER 10A OF THE OCEANSIDE CITY CODE ESTABLISHING  
TOBACCO AND SMOKE-FREE ENVIRONMENT IN THE "PIER PLAZA  
AREA."]



**Map of Designated Park Lands  
and  
Non-smoking Areas**

-  NON SMOKING AREA
-  DESIGNATED PARK

AVENUE ZERO

NORTH MERS STREET

AVENUE ZERO

EDGEMOOR STREET

NORTH PACIFIC STREET

NORTH MERS STREET

PIER AVENUE

NORTH PACIFIC STREET

PIER  
AMPHITHEATER

NORTH PACIFIC STREET

BEACH REC.  
CENTER

BEACH HQ

OTIC CENTER DRIVE

NORTH PACIFIC STREET

THE STRAND

Non-smoking Areas