



Lakeport Police Department

Research Summary: Smoking in Public Places

Introduction: The request was initiated in order to determine whether other jurisdictions have regulated smoking in outdoor locations, particularly parks. After community complaints of excessive cigarette butts in our local park, we began to explore the issue. The Government Code leaves the option of additional regulation open to municipalities, in Section 7597(b), which regulates smoking near government buildings.

Summary of Results: There is an emerging trend in California toward prohibiting smoking in certain public places. Many jurisdictions have, or are in the process of outlawing smoking in community parks and on public beaches. As I was conducting this survey, I spoke with a number of agencies in San Diego County. The consensus was that within a short period of time, every municipality in that county will have enacted an ordinance that prohibits smoking in parks and on beaches.

Additionally, some jurisdictions have taken it a step further and included language in their ordinances that disallows smoking near entrances to all businesses or buildings that are open to the general public. Government Code Section 7597(a) already prohibits smoking within 20 feet of entrances, but is limited to government buildings.

As far as penalties, the ordinances run the gamut. In most cases, violation is an infraction punishable by a fine, but some jurisdictions have made it a misdemeanor punishable by a fine or imprisonment in the county jail. In the City of Healdsburg, the first two offenses are infractions; the third is punishable as a misdemeanor.

If any city is considering such an ordinance, there is an abundance of language available to assist in drafting one. I found smoking ordinances from the following cities to be helpful in my research on the issue:

City of Healdsburg – Ordinance No. 1040
City of Davis – Municipal Code Section 34.01.010
City of Monterey Park – Municipal Code Section 6.20.010
City of Morrow Bay – Ordinance No. 517
City of Maywood – Ordinance No. 03-502
City of El Cajon – Municipal Code Section 8.32.010
City of National City – 10.52.010

Thank you to all who responded and assisted me with this project. Please feel free to contact me for further information.

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