

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: October 19, 2017
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: **Director's Report**

COUNCIL ACTIONS

- Authorized the Waterfront Department to execute an agreement with the California Division of Boating and Waterways, accepting a \$70,000 grant for disposing abandoned or surrendered recreational vessels per the state's Surrendered and Abandoned Vessel Exchange (SAVE) Program.
- Approved a five-year lease agreement with the Santa Barbara Museum of Natural History Sea Center, for second floor office space at 219-E Stearns Wharf.

SMOKE-FREE OUTDOOR PUBLIC AREAS LAW

City Council recently approved an Ordinance amending Chapter 9.20 of the Santa Barbara Municipal Code in its entirety prohibiting smoking in public places, including Stearns Wharf, beaches, parks, and City parking lots. City staff from various Departments, including Waterfront, Parks & Recreation, Public Works and others, are in the process of developing and implementing a comprehensive public outreach effort to help the public understand the new smoking law.

Personal responsibility and voluntary compliance will be emphasized to encourage members of the public to adhere to smoking laws. Signage will be updated in certain locations and the County Public Health Department has identified funds for signage and decals. City staff will educate/advise smokers of the "Smoke Free City" law when smoking violations are observed during the normal course of work; however, this is not a priority over assigned work.

TENTATIVE AGENDA ITEMS FOR THE NOVEMBER MEETING

- Population & Predation Trends Among Great White Sharks Along the Southern California Coast – Dr. Christopher G. Lowe, Professor of Marine Biology and Director of the Shark Lab at California State University, Long Beach
- Protocols for posting shark advisories on City beaches
- Lease Agreement with Santa Barbara Shellfish Company

- Paul Noury – Appeal of Non-Renewal of Charter Business Activity Permit

Attachment: FAQ on Smoke-Free Outdoor Public Areas Law

Frequently Asked Questions on Smoke-Free Outdoor Public Areas Law

Where is smoking prohibited?

- Places of employment
- Parks, sports fields, and trails
- Beaches
- Sidewalks, plazas, and paseos citywide in commercial and residential areas
- City-owned parking structures and lots
- Stearns Wharf
- Outdoor restaurant patios before 10:00 p.m.
- Outdoor recreational areas and facilities and library plazas
- Events open to the public such as public markets, parades, festivals, art shows, and concerts
- Bus stops and ticket areas
- Galleries, theaters, museums, enclosed or not
- Designated common areas of the Golf Course, including the driving range, practice and teaching areas, practice green, clubhouses, restaurant and patios, pro shop, and parking lots
- Any business establishment declared by the owner or operator as a non-smoking establishment
- Residences used as a child care, health care, board and care, or community foster care facility (as defined by the state Health and Safety Code); and
- Common areas of multi-unit dwellings, such as apartments and condominiums.

Where is smoking permitted?

- Private residential properties, except when used as a child care, health care, board care, or foster care facility
- Private parking lots
- Inside a private automobile when no minor child is present
- Designated hotel guest rooms
- Golf course proper between the 1st and 18th hole, including the teeing areas, fairways, rough, playing greens, hazard areas, and golf cart pathways
- Outdoor bar patio areas at all times
- Outdoor restaurant patio area after 10 p.m., unless business establishment prohibits smoking
- Retail tobacco stores
- Designated areas outside of the airport terminal

What does smoking include?

Smoking is defined to include cigarettes, cigars, electronic smoking or “vaping” devices, and marijuana. [Read the ordinance](#) for a comprehensive definition.

Why did the City adopt a new smoking law?

Taking effect on September 15, 2017, the City’s new smoking law is intended to limit exposure to secondhand smoke, lower the risk of fires, and reduce cigarette butt litter. Cigarette butts are one of the largest sources of litter in public areas. During beach clean-up efforts, volunteers find thousands of cigarette butts on the beach each year. The City Council received hundreds of comments from the public

supporting a broad ban of smoking in outdoor public areas. Letters of support were received from environmental organizations, local businesses, public health groups, and youth and family organizations.

Many public areas in Santa Barbara were designated smoke-free by private policy, including: Santa Barbara City College (SBCC), University of California, Santa Barbara (UCSB), Schott Center, Paseo Nuevo, Santa Barbara Zoo, and Earl Warren Showgrounds.

The City's smoking law was last updated in 2002 and was no longer current. In an American Lung Association annual review of smoking policies in different cities, Santa Barbara received a "D" grade.

In June 2016, new state laws went into effect that prohibit the use of electronic smoking or "vaping" devices anywhere cigarette smoking is not allowed. Furthermore, smoking was redefined to include marijuana.

Are businesses required to post "No Smoking" signs?

Courtesy of the County Public Health Department, window decals will be available for business owners interested in posting their support for smoke-free areas. Decals will be mailed directly to businesses with outdoor patios.

The ordinance does not require businesses to post "No Smoking" signs.

Every hotel and motel must have signs posted conspicuously in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available; rooms designated as being nonsmoking shall have signs announcing such restriction conspicuously placed inside the room.

How will the smoking law be enforced?

The City will use verbal warnings and public education as the primary means of enforcement. It's up to members of the public to understand the law and smoke away from public areas. Police officers and other enforcement officers have the authority to issue citations for violating the ordinance.

Businesses are encouraged to educate employees about smoke-free areas so they can inform customers to help comply with the law.

Where can I go to smoke? What if smoking is not allowed near my workplace?

Your help is appreciated to find private locations where smoking is permitted. Smoking is allowed in your private residence and vehicle. Talk to your employer to determine if there is a private location for you to smoke (i.e. private parking lot or a parking lot not owned by the City).

What are the penalties for violating the law?

Smoking code violations are considered infractions, with a Superior Court fine of \$155 for a violation.