

Smokefree Beaches Ordinance Checklist

As the dangers of secondhand tobacco smoke become increasingly well documented, one of the most important steps a community can take to improve the health of its residents is to create more smokefree or tobacco-free spaces.

Increasingly, many California communities are interested in limiting secondhand smoke exposure and tobacco use in outdoor

areas such as beaches and coastlines. By addressing tobacco use outdoors, an ordinance prohibiting smoking or all tobacco use on beaches also helps limit tobacco-related litter.

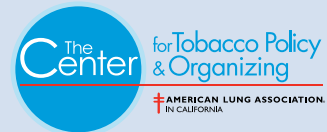
ChangeLab Solutions' *Model California Ordinance Regulating Smoking and Tobacco Product Use on Beaches* provides a number of policy options to consider when designing a local ordinance prohibiting smoking

or all tobacco use on beaches. The ordinance language you select should be part of a larger strategy for your campaign.

To guide your planning, the American Lung Association in California's Center for Tobacco Policy & Organizing has developed the five phase model below.

**Campaign Trail
START**

Contact "The Center" for help planning your campaign steps and working through the phases.



American Lung Association in California's Center for Tobacco Policy & Organizing (The Center) helps local coalitions wage effective tobacco control policy campaigns. The Center can assist you with resources, tools, and effective strategies to help you narrow down your issue, do a political assessment, complete a strategy chart, recruit new members, and re-energize your coalition.

(916) 554-5864
www.center4tobaccopolicy.org

Investigation & Assessment

Identify local issues and resources to build an understanding of what might influence decision makers. Determine your issue, a location (city or county), and a goal.



Strategy & Planning

Assess the political environment and decision makers. Develop a preliminary strategy and establish a rough timeline.



The checklist on page 2 is designed to help you begin drafting an ordinance based on your community's choices – this is the time to contact ChangeLab Solutions.

Recruitment

Now that you've prepared the groundwork, it's time to involve more people. Train campaign members in outreach and recruitment strategies. Meet with key opinion leaders and recruit community residents who are influential with local officials.



ChangeLab Solutions

Law & policy innovation for the common good.

ChangeLab Solutions is a nonprofit organization that helps advocates, city and county attorneys, and elected officials by providing and reviewing ordinance language, researching and analyzing state and federal legal issues, and providing training and consulting on legal strategies for tobacco control. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

(510) 302-3380
www.changelabsolutions.org/tobacco-control

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The Campaign

Finalize and then implement the timeline, strategy, and tactics with your newly recruited members. Form action teams: e.g., ordinance-drafting, media, action, speakers' bureau. A key tactic will be meeting with decision makers.



Implementation & Evaluation

Determine effectiveness of the campaign and tactics.

WIN!

Beach Ordinance Checklist

Your community has a range of policy choices to consider when designing a local land use ordinance regulating smoking and tobacco use on beaches. The options below are based on ChangeLab Solutions' *Model California Ordinance Regulating Smoking and Tobacco Product Use on Beaches*, available at www.changelabsolutions.org/publications/smokefree-beaches-ord. (Note that the policy options listed below may appear in a different order in the model ordinance.) Policy provisions that we consider essential already include a check mark. Contact us for help drafting an ordinance based on your community's choices.

POLICY OPTIONS

WHAT IS REGULATED

- Smoking
- Use of other tobacco products (e.g., smokeless tobacco)
- Definition of *tobacco product* to include all nicotine and nontraditional tobacco products (e.g., nicotine water, snus)

WHERE SMOKING OR TOBACCO USE IS PROHIBITED

- City- or county-owned beaches (choose one option)
 - Listed by name (e.g., Ocean Beach) OR
 - Defined as any beach within the limits of the City or County OR
 - Defined as along a shoreline extending [1,000] feet on either side of the mean high water line including all indoor and outdoor _____ areas
- Exception:* Provide designated smoking area(s), which must be clearly defined
- Privately owned beaches that are open to the public (e.g., resorts, swim clubs)
 - Exception:* Provide designated smoking area(s), which must be clearly defined
- Businesses within 1,000 feet of the mean high water line (e.g., snack shops, restaurants)
- Parking areas used to access beaches

ADDITIONAL PROVISIONS

- Prohibit ash cans and ashtrays from being placed within an area where smoking is not permitted
- Require property owners and managers to prevent guests from illegally using tobacco (only necessary if private beaches and businesses are regulated)
- Require that No Smoking signs be posted

ENFORCEMENT PROVISIONS

- Designate that the ordinance will be enforced by _____ but also enforceable by any agency
- Declare violations based on *illegal smoking or tobacco* use to be **one of the following:**
 - Infractions with a fixed fine amount of \$ _____ (cannot be more than \$100), which allows a citation (a "ticket") to be paid without appearing in court
 - The same as other violations (below)
- Declare *other* violations of the ordinance to be an infraction or a misdemeanor, decided at the discretion of the prosecuting attorney
- Allow the city or county to file a civil action for any violation (civil fine can be up to \$1,000)
- Allow private citizens to get an injunction against individuals for repeat violations of the ordinance and an injunction against businesses for a single violation