

**SECTION NO. 8.08 – SMOKING PROHIBITED AT PARKS AND BEACHES**

(a) Purpose

The District's parks and beaches are intended for the use and enjoyment of all visitors, without the risk of health hazards. The California Environmental Protection Agency has found that environmental tobacco smoke, or secondhand smoke, is a toxic air contaminant and pollutant in outdoor environments. The health impacts of secondhand smoke include developmental, respiratory, carcinogenic, and cardiovascular effects. Therefore, in order to serve the public health, safety, and welfare, this Section prohibits the smoking of tobacco in public parks and beaches.

(b) Definitions

For purposes of this Section, the following terms shall be defined as follows:

1. "Smoking" – the lighting or carrying of a lighted pipe, cigar, cigarette, or other instrument used to burn tobacco.
2. "Public Park" – the same meaning as in District Code Section 8.02(a), excluding parking lots and the Broadway Pier.
3. "Public Beach" – any public beach or shoreline bordering the waterline that is open to the public for recreational purposes, including, but not limited to, Imperial Beach, and excluding adjacent parking lots.

(c) Smoking Prohibited

Smoking is prohibited on any Public Park or Public Beach.

(d) Disposal of Smoking Waste Prohibited

No person shall dispose of any cigarette, cigar, or tobacco, or any part of a cigarette or cigar, in any place where Smoking is prohibited under this Section, except in a designated waste disposal container.

(e) Signs

Signs that designate Non-Smoking areas established by this Section shall be posted.

(f) Federal or State Preemption

The provisions of this Section do not apply where Federal or State law regulates Smoking if the Federal or State law preempts local regulation or if the Federal or State law is more restrictive.

(g) Penalties for Violation of Section 8.08

1. Any person convicted of a violation of this Section is guilty of an infraction and shall be punished in accordance with Section 0.11 of the District Code.
2. Punishment under this Section shall not preclude punishment pursuant to any provision of law proscribing the act of littering.

Nothing in this Section shall preclude any person from seeking any other remedies, penalties, or procedures provided by law.

*(Enacted December 5, 2006 – Ordinance No. 2430)*