

Carpinteria's Smoke-Free Air Commitment

Carpinteria prides itself on being a healthy city for residents and visitors. Carpinteria's first smoking ordinance was adopted in 1985. The prohibition on smoking in our public parks and on our beaches was enacted in 2004.

To further limit the impact of secondhand tobacco smoke on non-smokers, the Carpinteria City Council adopted a Comprehensive Secondhand Smoke Control Ordinance to provide for smoke-free air in public places, and areas where smokers and non-smokers might interact.

The Ordinance goes into effect on May 16, 2011 and limits public exposure to secondhand smoke in public areas within the City. In addition to our local laws, all state laws regarding smoking including the prohibitions against smoking in places of employment are in effect.

This informational handout is intended to help business owners and managers understand the new law and how to best be prepared when the law goes into effect on May 16th. It does not address the laws concerning the sale of tobacco products.

SMOKING REGULATIONS ORDINANCE QUESTIONS & ANSWERS FOR BUSINESS OWNERS AND MANAGERS

1. Has the City of Carpinteria banned smoking?

No. The purpose of the expanded ordinance regulating smoking is to limit public exposure to secondhand smoke in public areas within the City of Carpinteria. The ordinance identifies places and circumstances where smoking may be permitted subject to state and local laws.

2. Where is smoking prohibited?

Smoking is prohibited in all public places in the City where other persons can be exposed to secondhand smoke. Except as otherwise provided by state or federal law, smoking is prohibited everywhere in the City, including but not limited to:

- Any public or private place open to the general public regardless of any fee or age requirement. This includes streets, sidewalks, parking lots, plazas, restaurants, bars, businesses, stores, parks, playgrounds, hotels and other public accommodations;



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- ❏ Buses or other means of public transit, and ticket, boarding and waiting areas of public transit depots and bus stops, enclosed or not;
- ❏ Places of employment;
- ❏ 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-family dwellings, such as apartments and condominiums.

3. What does the new law say about the posting of No Smoking signs?

For the majority of businesses, the ordinance does not require that No Smoking signs be posted. However, No Smoking signs or the international No Smoking symbol or any alternative signage approved by the Community Development Director may be posted.



The City will make available a limited number of window decals to downtown business owners.

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.

4. Where may smoking be allowed?

Except in the City's parks and beaches and where prohibited by state or federal law, smoking may be permitted in the following locations:

- ❏ Private residential properties. This law does not preclude smoking on private residential properties;
- ❏ In up to 25 percent of guest rooms in hotels that permit smoking if at least 75 percent of the guest rooms are permanently designated as nonsmoking rooms, the rooms are appropriately signed and ashtrays and matches are removed. Smoking rooms shall be segregated from nonsmoking rooms on separate floors, wings or portions of either; smoking and nonsmoking rooms shall not be interspersed. Nothing in the law requires a hotel to provide smoking rooms and the owner or operator of a hotel may choose to prohibit smoking throughout the property;
- ❏ Designated smoking areas known as smokers' outposts, provided that all of the following conditions are met:
 - The area is located the greatest distance practicable from:
 - any doorway or opening into an enclosed area; and
 - any access way to a public place.
 This distance shall generally be 20 feet, with a minimum distance of five feet;

- The area has a clearly marked perimeter;
 - The area is posted with one or more conspicuously displayed signs identifying the area as a designated outdoor smoking area;
 - Smoke is not permitted to enter adjacent areas in which smoking is prohibited;
 - Appropriate ash cans are placed in the smoking area and are maintained regularly; and
 - No consistent complaints of secondhand smoke are filed with the City.
- ☒ Smoking areas at public events which have been approved as part of a Special Event Permit or Temporary Use Permit issued by the City;
 - ☒ Inside a private automobile when no minor child is present; and
 - ☒ Any unenclosed area in which no nonsmoker is present and, due to the time of day or other factors, it is not reasonable to expect another person to arrive.

5. How can my business establish a smokers' outpost?

Under terms of the law, business owners may install a marked designated smoking area pursuant to the provisions listed above. No special permit is required by the City. Within designated smoking areas, one or more conspicuously displayed sign(s) shall be posted identifying the area as a smokers' outpost.

The owner, operator or manager of the smoking area is responsible to ensure that appropriate ash cans are placed in the smoking area and are maintained regularly.

If the City receives consistent complaints of secondhand smoke and litter associated with the smokers' outpost, adjustments to the location and/or maintenance of the area may be necessary. The City reserves the right to prohibit or require modifications to a smokers' outpost at a certain location if it undermines the purposes of the law.

6. What are the requirements for a smokers' outpost sign?

Signs shall be no smaller than three inches high and eight inches long with a pictorial representation of a burning cigarette; signs shall contain the words "Designated Smoking Area" and shall be posted prominently between five feet and seven feet above the floor or ground; all signs are subject to approval by the Community Development Director. Signs similar to those shown below are acceptable.



7. What are my responsibilities under the law?

No person, employer, business or nonprofit entity shall knowingly permit smoking in an area in which smoking is prohibited.

No person, employer, business or nonprofit entity shall allow the placement or maintenance of a receptacle for smoking waste in an area in which smoking is prohibited, provided however, that a receptacle may be placed at the entry to a nonsmoking area, along with a No Smoking sign, to encourage any smokers in violation of the law to immediately extinguish and properly dispose of smoking materials.

If you become aware that someone is smoking in a non-smoking location under your control, ask that they extinguish the smoking material immediately or move to a place where smoking is permitted. If the person refuses your request, contact City Code Compliance Officers at (805) 684-5405 ext. 413 or 418 during regular business hours seven days a week or the Carpinteria Sheriff's station at (805) 692-5743 after business hours.

8. What are the penalties for violating the law?

The new law would maintain the City's current practice of treating smoking code violations as infractions, with the ability to apply a fine of up to \$100 for a first violation, \$200 for the second violation and up to \$500 for each additional violation. Fines for similar smoking infractions in the City's parks and beaches are \$250 for each violation.

9. Where can I find more information about the ordinance?

The ordinance is posted on the City's website at <http://www.carpinteria.ca.us>.



City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013
(805) 684-5405