

COUNCIL MEETING OF  
May 9, 2006

**PUBLIC HEARING**

Honorable Mayor and Members  
Of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT: Amendments to the Torrance Municipal Code addressing  
Smoking on the Beach.**

**RECOMMENDATION**

The Community Development Director recommends that an ORDINANCE be adopted amending Section 44.3.15 of the Torrance Municipal Code to prohibit Tobacco Products on Torrance Beach and that an Ordinance summary be approved for publication.

Funding: Not Applicable

**BACKGROUND AND ANALYSIS**

The South Bay Smoke-Free Beaches Coalition has made several educational presentations regarding the benefits of smoke-free beaches in the South Bay, including presentations to the Environmental Quality Commission and the Parks and Recreation Commission. In response to a Council Oral request, this matter is being brought forward to the City Council for consideration.

Approximately 66% of the Los Angeles County Coastline is currently smoke-free, and the Coalition is now focusing attention on those areas that have not yet prohibited smoking on the beach, including Hermosa Beach, Redondo Beach, Torrance, Rancho Palos Verdes and Palos Verdes. An ordinance making Torrance Beach smoke-free is recommended for adoption by your Honorable Body.

The benefits of such an ordinance are two-fold: beachgoers are not exposed to second hand cigarette smoke and cigarette butts will no longer be the number one source of trash on our beaches. Attached is additional information provided by the Coalition discussing the benefits of passing such an ordinance, showing the areas of the Southern California coastline that are currently smoke-free as well as survey information regarding attitudes towards smoke-free beaches by residents of the South Bay.

The proposed ordinance simply adds "tobacco products" to an existing section of the Torrance Municipal code prohibiting the use or possession of alcoholic beverages on the beach as follows:

**SECTION 44.3.15 Alcoholic Beverages and Tobacco Products**

A person shall not enter, be or remain on any beach while in possession of, transporting, purchasing, selling, giving away, using or consuming any alcoholic beverage or tobacco product.

Enforcement of the Ordinance would be handled by the Torrance Police in much the same way they currently handle alcohol complaints on the beach: either in response to complaints or as a result of observation by officers on beach patrol. Although Torrance Beach is County property, policing is provided by the local jurisdiction, in this case, Torrance Police Department.

The Community Development Director recommends that this amendment to the Torrance Municipal Code be adopted by your Honorable Body.

Respectfully Submitted,

Jeffery W. Gibson  
Community Development Director

CONCUR:



Jeffery W. Gibson  
Community Development Director

By 

Linda Cessna  
Environmental Services Administrator

NOTED: 



LeRoy J. Jackson  
City Manager

Attachments:

- A. Ordinance
- B. Ordinance Summary
- C. South Bay Smoke-Free Beaches Coalition Information
- D. Proof of Publication
- E. Mayor's Script

**ORDINANCE NO. 44.3.15****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 4.3.15 OF THE TORRANCE MUNICIPAL CODE RELATING TO THE USE OF ALCOHOLIC BEVERAGES AND TOBACCO PRODUCTS ON THE BEACH.**

The City Council of the City of Torrance does ordain as follows:

**SECTION 1**

Section 44.3.15 of the Torrance Municipal Code is amended to read in its entirety as follows:

**“SECTION 44.3.15 ALCOHOLIC BEVERAGES AND TOBACCO PRODUCTS**

A person shall not enter, be or remain on any beach while in possession of, transporting, purchasing, selling, giving away, using or consuming any alcoholic beverage or tobacco product.”

**SECTION 2**

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City are repealed, to the extent of the inconsistencies.

**SECTION 3**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then the decision will not affect the validity of the remaining portion of the ordinance. The City Council declares that it would have passed this ordinance and each of its sections, subsections, sentences, clauses and phrases, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2006.

ADOPTED and PASSED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor of the City of Torrance

ATTEST:

\_\_\_\_\_  
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III  
City Attorney

By: \_\_\_\_\_  
Ronald T. Pohl  
Assistant City Attorney

ORDINANCE NO. \_\_\_\_\_

SUMMARY

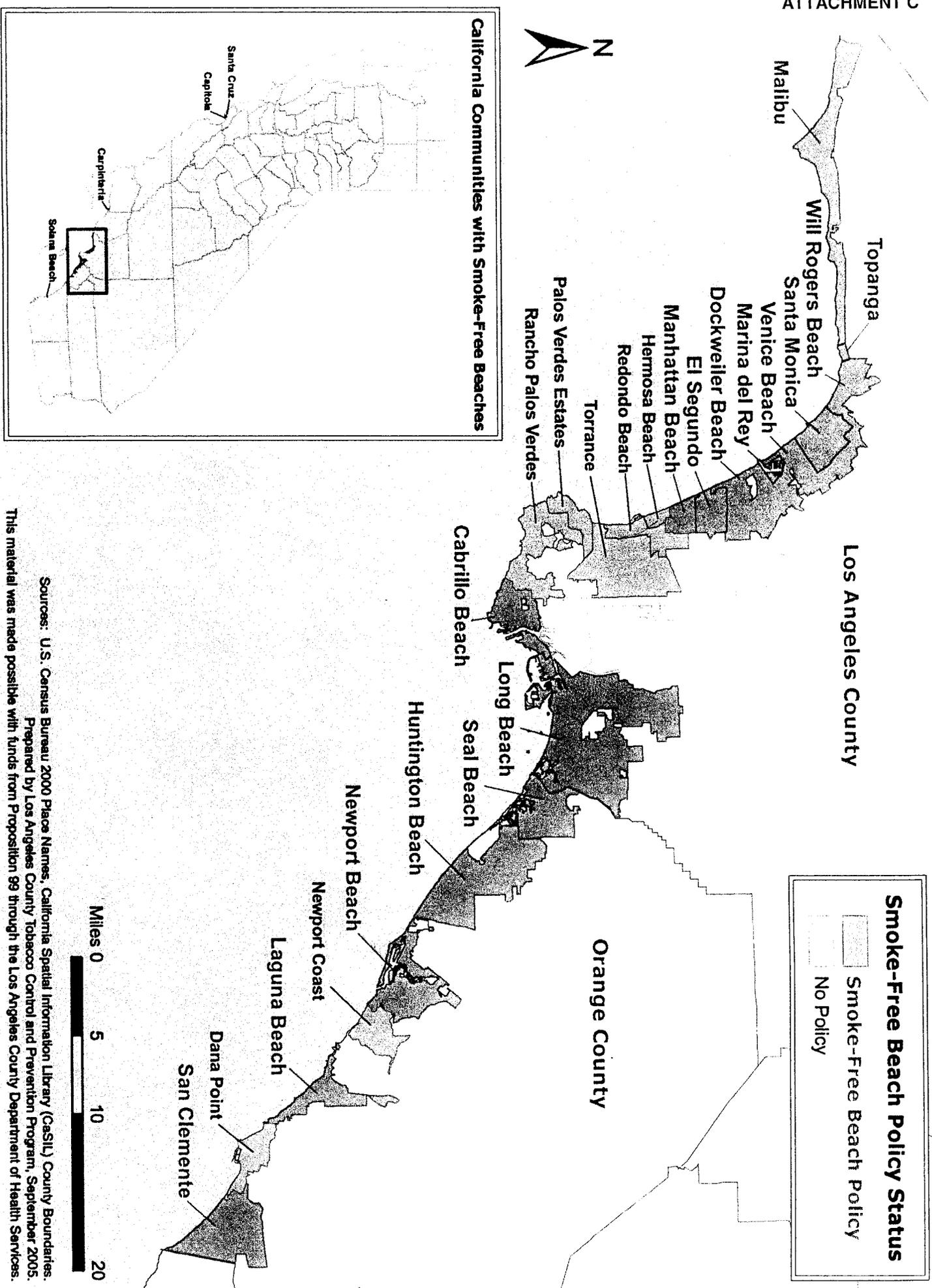
On \_\_\_\_\_, 2006, the City Council of the City of Torrance adopted an ordinance regulating tobacco products at Torrance Beach.

The ordinance regulating tobacco products on Torrance Beach prohibits the use or possession of tobacco products at Torrance Beach.

\*\*\*\*\*City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.\*\*\*\*\*



# Southern California Communities with Smoke-Free Beaches



Sources: U.S. Census Bureau 2000 Place Names, California Spatial Information Library (CASIL) County Boundaries. Prepared by Los Angeles County Tobacco Control and Prevention Program, September 2005. This material was made possible with funds from Proposition 89 through the Los Angeles County Department of Health Services.

# SOUTH BAY SMOKE-FREE BEACHES

**FACT:** The California Air Resources Board (ARB) identified *ENVIRONMENTAL TOBACCO SMOKE* (ETS) as a *TOXIC AIR CONTAMINANT* (TAC). ETS is now formally identified as an airborne toxic substance that may cause and/or contribute to death or serious illness.

**FACT:** **Many popular outdoor areas are smoke-free!**

- Will Rodgers Beach, Santa Monica, Venice Beach, Marina del Rey, Dockweiler Beach, El Segundo, Manhattan Beach, Cabrillo Beach and Long Beach are smoke-free.

**FACT:** **66% of Los Angeles County's 77-mile coastline is smoke-free!**

**FACT:** **South Bay residents support smoke-free beaches!**

- Of 618 + South Bay residents surveyed, over 97.7% support smoking restrictions at the beach, including 81.8% of smokers.

**FACT:** **Cigarette litter is toxic to our environment!**

- Discarded cigarette butts can take 15 years to disintegrate and are the #1 source of trash on beaches.
- Cigarette butts are often mistaken for food by marine mammals and birds.
- Tobacco smoke and trash are inconsistent with the clean air and natural beauty of the beach.

**FACT:** **Cigarette litter can injure beach visitors!**

- Children can swallow or choke on cigarette butts discarded in the sand. Poison control centers see an average of 8,000 children a year poisoned who have ingested cigarette butts.
- Smoldering cigarette butts create burn danger at beaches where people walk barefoot.

**FACT:** **Secondhand smoke is dangerous!**

- Exposure to secondhand smoke is linked to cancer and is especially hazardous to children and people with asthma and other respiratory problems.
- Smoking in a family friendly environment like the beach sends the wrong message to our kids!

*The South Bay Smoke-Free Beaches Coalition is dedicated to promoting and advocating for smoke-free beaches, parks, and piers in the South Bay communities.*

*Coalition members include: The Surfrider Foundation – South Bay Chapter, The South Bay Coalition, The American Cancer Society, The American Lung Association, The American Heart Association, The Girls Club of Los Angeles, National Council on Alcohol and Drug Dependence (NCADD)/South Bay and The Los Angeles County Tobacco Control & Prevention Program.*

**Contact us at : NCADD/South Bay - Joan Waddell (310)-328-1460 X242**

# SMOKE-FREE BEACHES SURVEY REPORT

## Tobacco Smoke is Dangerous

Tobacco smoke harms both smokers and non-smokers. Secondhand smoke kills up to an estimated 73,000 non-smoking Americans each year. It is the third leading cause of preventable death, and studies have linked secondhand smoke to lung and nasal sinus cancer, heart disease, stroke, and respiratory disorders. Secondhand smoke also aggravates asthma and other chronic illnesses in children.

## Children are at Risk

When children see adults smoking in family-friendly places like beaches, they think smoking is an acceptable activity, and are more likely to copy that behavior. In addition, cigarette butts pose choking and burning hazards to beach visitors.

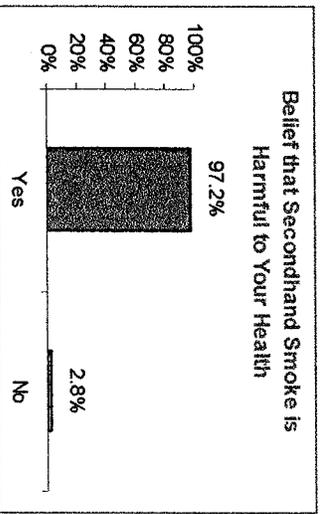
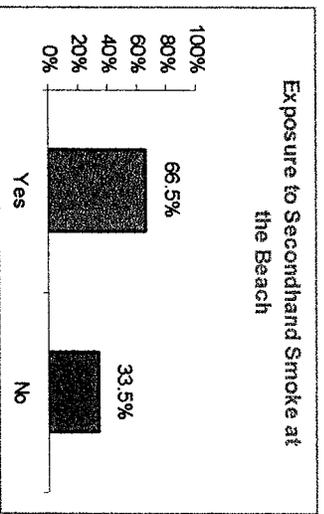
## Environmental Damage

Cigarette butts are the #1 source of beach litter. They take up to 15 years to biodegrade. Marine animals and seabirds commonly swallow discarded cigarette butts, causing illness and death. Tobacco litter can also leach toxic substances into water and sediment, contaminating the food supply or directly killing small animals.

## Secondhand Smoke at the Beach

- The majority of respondents have been exposed to secondhand smoke at the beach.
- The majority of respondents believe secondhand smoke is harmful to their health. 81.8% of current tobacco users and 98.5% of non-tobacco users believe that secondhand smoke is harmful to their health.
- Due to smoking at the beach, 53.7% of respondents had to move to another location, 11.0% had to ask the smoker to stop or to move away, and 5.7% had to leave the beach earlier than planned.

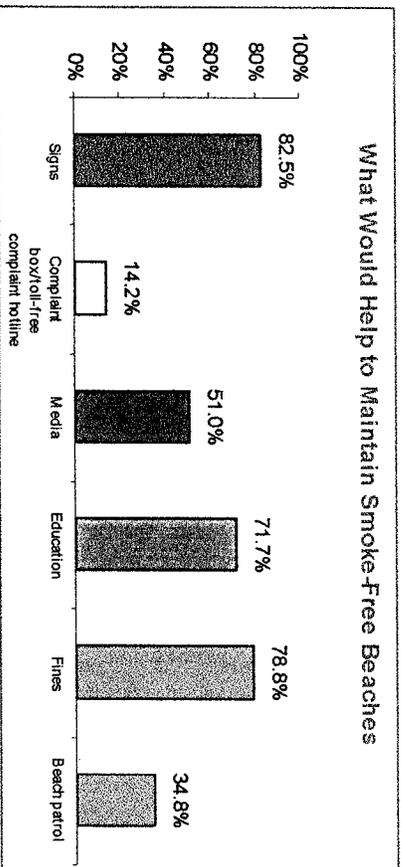
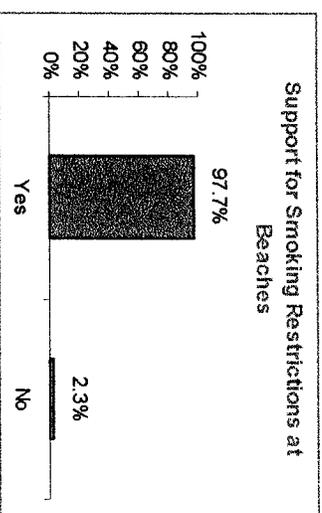
**Characteristics of the Survey**  
 This report presents data collected in Los Angeles County between September and December, 2005.  
 618 respondents completed the survey, representing persons of varied sex, age groups, racial/ethnic groups, and tobacco use status.  
 Please keep in mind that this is not a scientific survey.



# SMOKE-FREE BEACHES SURVEY REPORT

## Support for Smoke-Free Beaches

- The majority of respondents would support restriction of smoking at beaches.
- 85.0% of respondents would support a total ban of smoking at beaches.
- Of those who would not support a total ban, 84.4% would support a policy that allows smoking only in certain areas at the beach.
- 89.6% of respondents said that cigarette butts on the beach are a litter problem, 88.0% said they are harmful to the environment, and 73.8% said they are a choking hazard for small children.
- Of all the ways to help maintain smoke-free beaches, the greatest support was for signs, monetary fines, and education.





FOR IMMEDIATE RELEASE  
January 26, 2006

CONTACT:  
Jerry Martin  
Gennet Paauwe  
(916) 322-2990  
[www.arb.ca.gov](http://www.arb.ca.gov)

### **California Identifies Second-Hand Smoke as a "Toxic Air Contaminant"**

**SACRAMENTO:** Today the California Air Resources Board (ARB) identified environmental tobacco smoke (ETS), or second-hand smoke, as a Toxic Air Contaminant (TAC). ETS is now formally identified as an airborne toxic substance that may cause and/or contribute to death or serious illness. ARB's action to list ETS as a TAC was based on a comprehensive report on exposure and health effects of ETS.

"This new report reaffirms many of the adverse health effects associated with ETS, especially in children who live in homes where smoking occurs," said ARB Chairman, Dr. Robert Sawyer. "It also raises new concerns about its effects on women. All this strongly supported the need for the Air Board to identify ETS as a serious health threat."

Second-hand smoke is a complex mixture of compounds produced by burning of tobacco products. ETS is also a source of other toxic air contaminants such as benzene, 1,3 butadiene, and arsenic. In California each year, tobacco smoke is responsible for the release into the environment of 40 tons of nicotine, 365 tons of respirable particulate matter, and 1900 tons of carbon monoxide.

As required by State law, the ARB evaluated exposures to ETS, while the Office of Environmental Health Hazard Assessment (OEHHA) assessed the health effects from these exposures. The OEHHA evaluation clearly established links between exposure to ETS and a number of adverse health effects, including some specific to children and infants. These include premature births, low birth-weight babies, and Sudden Infant Death Syndrome (SIDS). Other effects of ETS on children include the induction and exacerbation of asthma, and infections of the middle-ear and respiratory system.

The OEHHA evaluation also found links between ETS exposure and increased incidences of breast cancer in non-smoking, pre-menopausal women. ETS had already been linked to adult incidences of lung and nasal sinus cancer, heart disease, eye and nasal irritation, and asthma.

"The ARB's action rightfully puts second-hand tobacco smoke in the same category as the most toxic automotive and industrial air pollutants," OEHHA Director Joan Denton said. "Californians, especially parents, would not willingly fill their homes with motor vehicle exhaust, and they should feel the same way about tobacco smoke."

Now that ETS is identified as a toxic air contaminant, the ARB must evaluate the need for action to reduce exposures. In this risk management step, ARB conducts an analysis that includes a review of measures already in place, available options and the costs for reducing the health risks from ETS exposure. The analysis is conducted using an open public process.

More information is available on ARB's ETS website, [click here](#).

*The Air Resources Board is a department of the California Environmental Protection Agency. ARB's mission is to promote and protect public health, welfare, and ecological resources through effective reduction of air pollutants while recognizing and considering effects on the economy. The ARB oversees all air pollution control efforts in California to attain and maintain health based air quality standards.*

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy cost, see our web site at <http://www.arb.ca.gov>

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## Technical Assistance Legal Center

# There Is No Constitutional Right to Smoke<sup>1</sup>

February 2004

## I. INTRODUCTION

Laws that limit how and where people may smoke should survive a legal challenge claiming that smoking is protected by the state or federal constitution. Smoking is not mentioned anywhere in either constitution. Nevertheless, some people may claim that there is a fundamental “right to smoke.”<sup>2</sup> These claims are usually made in one of two ways: (1) that the fundamental right to privacy in the state or federal constitution includes the right to smoke, or (2) that clauses in the state and federal constitutions granting “equal protection” provide special protection for smokers. Neither of these claims has any legal basis. Therefore, a state or local law limiting smoking usually will be judged only on whether the law is rational, or even plausibly justified, rather than the higher legal standard applied to laws that limit special constitutionally protected rights.

## II. THERE IS NO FUNDAMENTAL RIGHT TO SMOKE

The argument that someone has a fundamental right to smoke fails because only certain rights are protected by the constitution as fundamental, and smoking is not one of them. The U.S. Supreme Court has held that “only personal rights that can be deemed ‘fundamental’ or ‘implicit in the concept of ordered liberty’ are included in the guarantee of personal liberty.”<sup>3</sup> These rights are related to an individual’s bodily privacy and autonomy within the home.

Proponents of smokers’ rights often claim that smoking falls within the fundamental right to privacy, by arguing that the act of smoking is an individual and private act that government cannot invade. Courts consistently reject this argument. The privacy interest protected by the U.S. Constitution includes only marriage, contraception, family relationships, and the rearing and educating of children.<sup>4</sup> Very few private acts by individuals qualify as fundamental privacy interests, and smoking is not one of them.<sup>5</sup>

<sup>1</sup> This material was made possible by funds received from the California Department of Health Services, under contract # 99-85069. This fact sheet was created to provide general information only and is not offered or intended as legal advice.

<sup>2</sup> Common usage of the term “rights” conflates two distinct legal meanings: those rights that are specially provided for or protected by law (e.g., free speech); and those rights that exist simply because no law has been passed restricting them (e.g., the right to use a cell phone while driving). The latter type of right is always subject to potential regulation. Therefore, this memo addresses only those rights provided for or protected by law. This memo also does not address whether an employer may refuse to employ someone who smokes. While prohibiting smoking at work is permissible, Cal. Labor Code §96(k) protects employees from discrimination based on off-work conduct, though one court held that this statute does not create new rights for employees but allows the state to assert an employee’s independently recognized rights. *Barbee v. Household Auto. Finance Corp.*, 113 Cal. App. 4th 525 (2003).

<sup>3</sup> *Roe v. Wade*, 410 U.S. 113, 152 (1973).

<sup>4</sup> See, for example, *Griswold v. Connecticut*, 381 U.S. 479, 484 (1964) (recognizing the right of married couples to use contraceptives); *Meyers v. Nebraska*, 262 U.S. 390 (1923) (recognizing the right of parents to educate children

**Example:** A firefighter trainee challenged a city fire department requirement that trainees must refrain from cigarette smoking at all times, by arguing that “although there is no specific constitutional right to smoke, [there is an] implicit . . . right of liberty or privacy in the conduct of [ ] private life, a right to be let alone, which includes the right to smoke.”<sup>6</sup> The court, however, disagreed and distinguished smoking from the recognized fundamental privacy rights.<sup>7</sup> The court went on to find that the city regulation met the fairly low standard for regulating non-fundamental rights because there was a perfectly rational reason for the regulation, namely the need for a healthy firefighting force.

### III. SMOKERS ARE NOT A PROTECTED GROUP OF PERSONS

The second common constitutional claim made by proponents of smokers’ rights is that laws regulating smoking discriminate against smokers as a particular group and thus violate the equal protection clause of the U.S. or the California constitutions. No court has been persuaded by these claims.

The equal protection clauses of the United States and California constitutions, similar in scope and effect,<sup>8</sup> guarantee that the government will not treat similar groups of people differently without a good reason.<sup>9</sup> Certain groups of people – such as groups based on race, national origin and gender – receive greater protection against discriminatory government acts under the U.S. and California constitutions than do other groups of people.<sup>10</sup> Smokers have never been identified as one of these protected groups.<sup>11</sup> Generally, the Supreme Court requires a protected group to have “an immutable characteristic determined solely by the accident of birth.”<sup>12</sup> Smoking is not an “immutable characteristic” because people are not born as smokers and smoking is a behavior that people can stop. Because smokers are not a protected group, laws limiting smoking must only be rationally related to a legitimate government purpose.<sup>13</sup>

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as they see fit); and *Moore v. East Cleveland*, 431 U.S. 494 (1977) (protecting the sanctity of family relationships).

<sup>5</sup> *City of North Miami v. Kurtz*, 653 So.2d 1025, 1028 (Fla. 1995) (city requirement that job applicants affirm that they had not used tobacco in preceding year upheld because “the ‘right to smoke’ is not included within the penumbra of fundamental rights protected under [the federal constitution’s privacy provisions]”).

<sup>6</sup> *Grusendorf v. City of Oklahoma City*, 816 F.2d 539, 541 (10th Cir. 1987).

<sup>7</sup> *Id.* The court relied heavily on the U.S. Supreme Court decision *Kelley v. Johnson*, 425 U.S. 238 (1976). In *Kelley*, the Court held that a regulation governing hair grooming for male police officers did not violate rights guaranteed under the Due Process Clause even assuming there was a liberty interest in personal appearance.

<sup>8</sup> U.S. Const. amend. XIV, Cal. Const. art.1 §7. See *Serrano v. Priest*, 5 Cal. 3d 584, 597 n.11 (1971) (plaintiff’s equal protection claims under Article 1 §11 and §21 of state constitution are “substantially equivalent” to claims under equal protection clause of Fourteenth Amendment of U.S. Constitution, and so the legal analysis of federal claim applies to state claim).

<sup>9</sup> Equal protection provisions generally permit legislation that singles out a class for distinctive treatment “if such classification bears a rational relation to the purposes of the legislation.” *Brown v. Merlo*, 8 Cal. 3d 855, 861 (1973).

<sup>10</sup> See, for example, *Brown v. Board of Education*, 347 U.S. 483 (1954) (race); *Sugarman v. Dougall*, 413 U.S. 634 (1973) (exclusion of aliens from a state’s competitive civil service violated equal protection clause); *Craig v. Boran*, 429 U.S. 190 (1976) (classifications by gender must serve important governmental objectives and must be substantially related to the achievement).

<sup>11</sup> Even some potentially damaging classifications, such as those based upon age, mental disability and wealth, do not receive any special protections. See, for example, *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432 (1985) (mentally disabled adults are not protected under Equal Protection Clause); *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1 (1973) (education and income classifications are not protected).

<sup>12</sup> *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973).

<sup>13</sup> *Fagan v. Axelrod*, 550 N.Y.S. 2d 552, 560 (1990) (rejecting the argument that a state statute regulating tobacco

The equal protection clause not only protects certain groups of people, the clause also prohibits discrimination against certain fundamental “interests” that inherently require equal treatment. The fundamental interests protected by the equal protection clause include the right to vote, the right to be a political candidate, the right to have access to the courts for certain kinds of proceedings, and the right to migrate interstate.<sup>14</sup> Smoking is not one of these recognized rights.

**Example:** In upholding a high school campus ban on smoking, a North Carolina court stated that “[t]he right to smoke in public places is not a protected right, even for adults.”<sup>15</sup> The court upheld a school regulation that permitted smoking by teachers in the teachers’ lounge but prohibited students from smoking. The smoking students claimed they were a discrete group suffering from discrimination (since teachers, another group, could smoke under the ban but students could not). The court found that the rule did not violate equal protection principles because of rational, reasonable differences in prohibiting smoking by minors and not by adults.

If a government classification affects an individual right that is not constitutionally protected, the classification will be upheld if there is any reasonably conceivable set of facts that could provide a rational basis for it.<sup>16</sup> So long as secondhand smoke regulations are enacted to further the government goal of protecting the public’s health from the dangers of tobacco smoke, the regulation should withstand judicial scrutiny if challenged.<sup>17</sup>

#### IV. CONCLUSION

There is no constitutional right to smoke. Claims to the contrary have no legal basis. The U.S. and California constitutions guarantee certain fundamental rights and protect certain classes of persons from all but the most compelling government regulation. However, no court has ever recognized smoking as a protected fundamental right nor has any court ever found smokers to be a protected class. To the contrary, every court that has considered the issue has declared that no fundamental “right to smoke” exists. So long as a smoking regulation is rationally related to a legitimate government objective such as protecting public health or the environment, the regulation will be upheld as constitutional.

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smoking in public areas discriminated against members of a subordinate class of smokers on the basis of nicotine addiction by holding that “the equal protection clause does not prevent state legislatures from drawing lines that treat one class of individuals or entities differently from others, unless the difference in treatment is ‘palpably arbitrary’”). Note, too, that nonsmokers also are not recognized as a protected class, so equal protection claims brought by nonsmokers exposed to smoke in a place where smoking is permitted by law are unlikely to succeed.

<sup>14</sup> See, for example, *Baker v. Carr*, 369 U.S. 186 (1962) (improper congressional redistricting violates voters’ rights under equal protection); *Turner v. Fouche*, 396 U.S. 346 (1970) (all persons have a constitutional right to be considered for public service); *Shapiro v. Thompson*, 394 U.S. 618 (1969) (residency requirement for receipt of state benefits violates equal protection).

<sup>15</sup> *Craig v. Buncombe County Bd. of Educ.*, 80 N.C.App. 683, 685 (1986).

<sup>16</sup> *People v. Leung*, 5 Cal. App. 4th 482, 494 (1992).

<sup>17</sup> *Dutchess/Putnam Restaurant & Tavern Ass’n, Inc. v. Putnam County Dep’t of Health*, 178 F. Supp. 2d 396, 405 (N.Y. 2001) (holding that County code regulating smoking in public places does not violate equal protection rights); *City of Tuscon v. Grezaffi*, 23 P.3d 675 (2001) (upholding ordinance prohibiting smoking in bars but not in bowling alleys because it is rationally related to legitimate government interest); *Operation Badlaw v. Licking County Gen. Health Dist. Bd. of Health*, 866 F.Supp. 1059, 1064-5 (Ohio 1992) (upholding ordinance prohibiting smoking except in bars and pool halls); *Rossie v. State*, 395 N.W.2d 801, 807 (Wis. 1986) (rejecting equal protection challenge to statute that banned smoking in government buildings but allowed it in certain restaurants).

# Daily Breeze

5215 TORRANCE BLVD \* TORRANCE CALIFORNIA 90503-4077  
(310) 543-6635 \* (310) 540-5511 Ext. 396

## PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published \_\_\_\_\_

in the City of Torrance  
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of \_\_\_\_\_

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

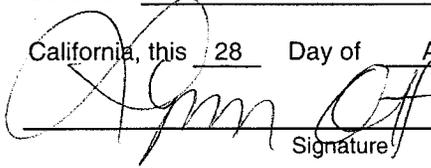
April 28,

all in the year 2006

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Torrance

California, this 28 Day of April 2006



Signature

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PROV. CITY CLERK

2006 MAY -2 PM 12:14

CITY OF TORRANCE



DB 4-174

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Torrance City Council at **7:00 p.m., May 9, 2006**, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

**City Council consideration of an Ordinance to amend portions of the Torrance Municipal Code to prohibit Tobacco Products on Torrance Beach.**

Material can be reviewed in the Community Development Department/Environmental Division. All persons interested in the above matters are requested to be present at the hearing or to submit their written comments prior to the hearing to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **Environmental Staff** of the Torrance Community Development Department at (310) 618-5930.

**SUE HERBERS  
CITY CLERK**

Pub.: April 28, 2006.