

COUNCIL MEETING OF
May 9, 2006

SUPPLEMENTAL MATERIAL TO ITEM 12C

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

Members of the Council:

SUBJECT: Supplemental Material to Council Agenda Item 12C Regarding an Amendment to the Torrance Municipal Code to Prohibit Smoking on the Beach.

Attached is a PowerPoint presentation that the South Bay Smoke Free Beaches Coalition requested be included in the item. In addition, a letter in support of prohibiting the use of tobacco but not the possession of tobacco on Torrance Beach is included from the Environmental Quality Commission, as well as email correspondence from the public. These items were received after the item had gone to print. The final attachment is a revised version of the proposed ordinance, correcting an error in the TMC section cited in the introduction to the ordinance.

Respectfully Submitted,

Jeffery W. Gibson
Community Development Director

By 
Linda Cessna
Environmental Services Administrator

CONCUR:


Jeffery W. Gibson
Community Development Director

NOTED:


LeRoy J. Jackson
City Manager

Attachments:

- A. Smoke Free Beaches PowerPoint Presentation
- B. Letter From the Environmental Quality Commission
- C. Revised Ordinance
- D. Correspondence from the Public

Smoke-free Torrance Beach

Presented by

**The South Bay Smoke Free
Beaches Coalition**



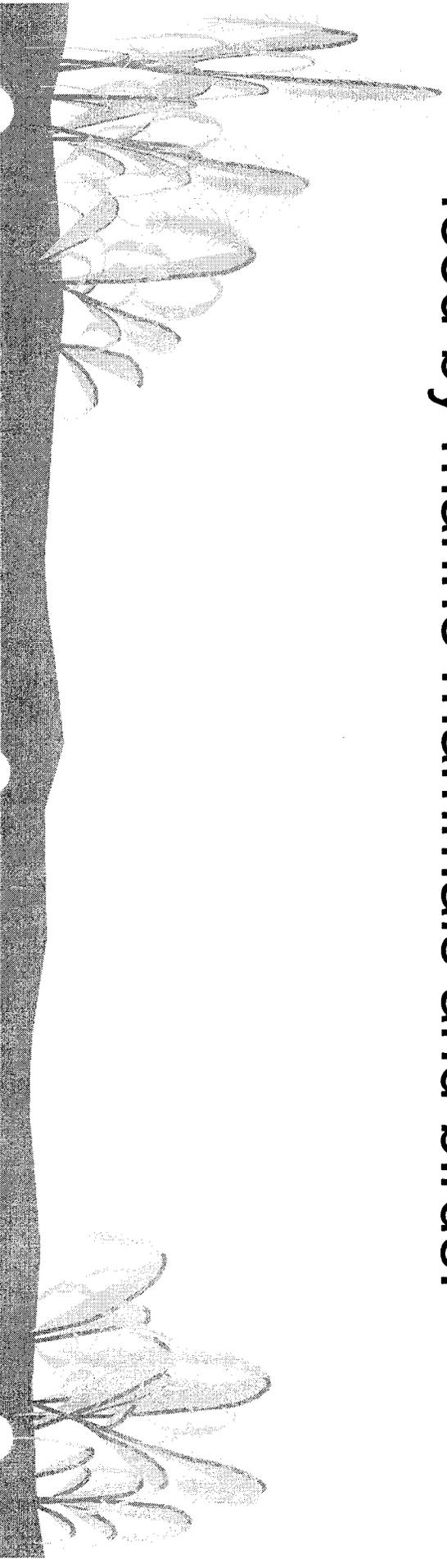
Who is the South Bay Smoke Free Beaches Coalition?

- A concerned group of citizens advocating for a smoke free environment.
- Members include the American Cancer Society, American Heart Association, American Lung Association, the Girls Club of Los Angeles, National Council on Alcoholism and Drug Dependence/South Bay, the Surfrider Foundation-South Bay chapter, Dr. Richard Merrick, Mrs. Janet Payne and many concerned Torrance residents.



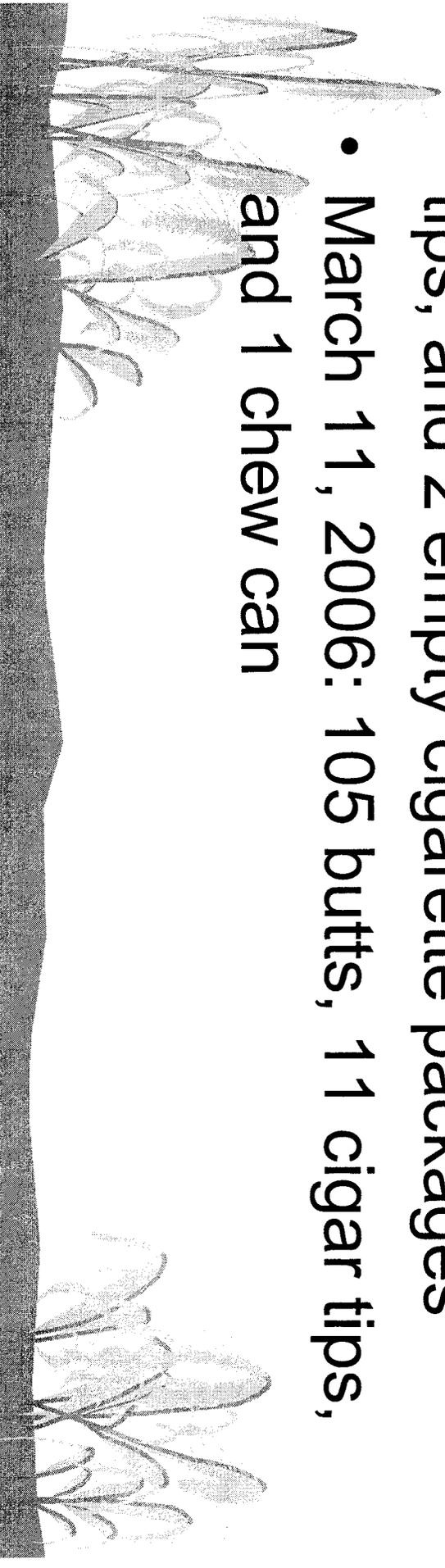
Cigarette litter is toxic to our environment

- Discarded cigarette butts can take more than 15 years to disintegrate and are the #1 source of trash on our beaches.
- Cigarette butts are often mistaken for food by marine mammals and birds.



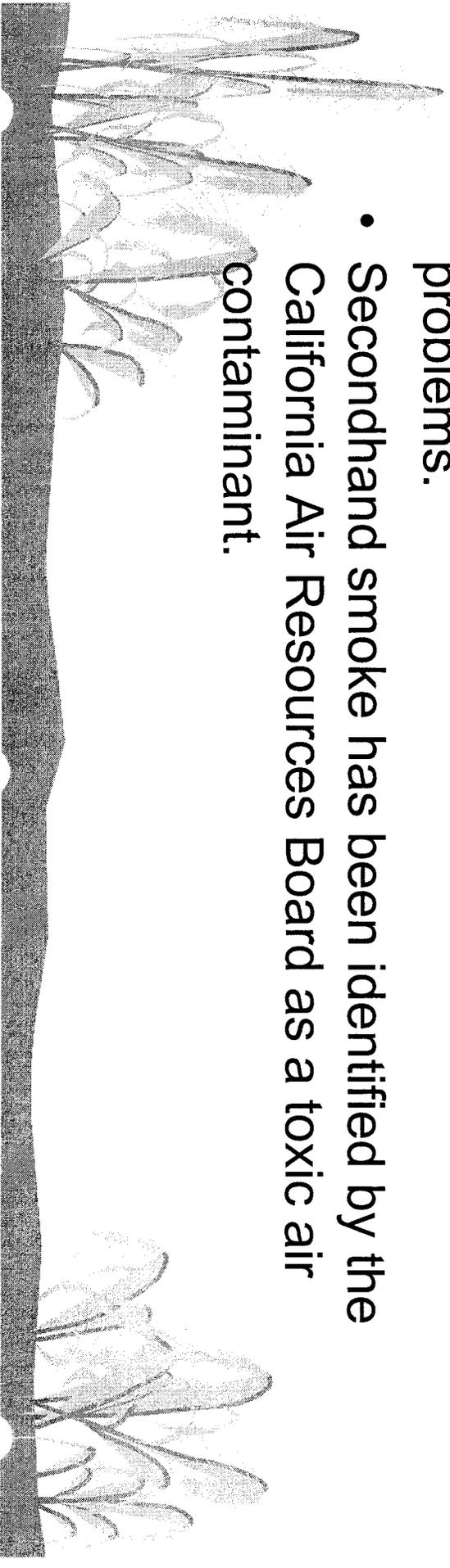
Torrance Beach cigarette butt clean up results

- August 12, 2005: 451 butts
- November 19, 2005: 203 butts and 1
chew can
- December 10, 2005: 313 butts, 11 cigar
tips, and 2 empty cigarette packages
- March 11, 2006: 105 butts, 11 cigar tips,
and 1 chew can



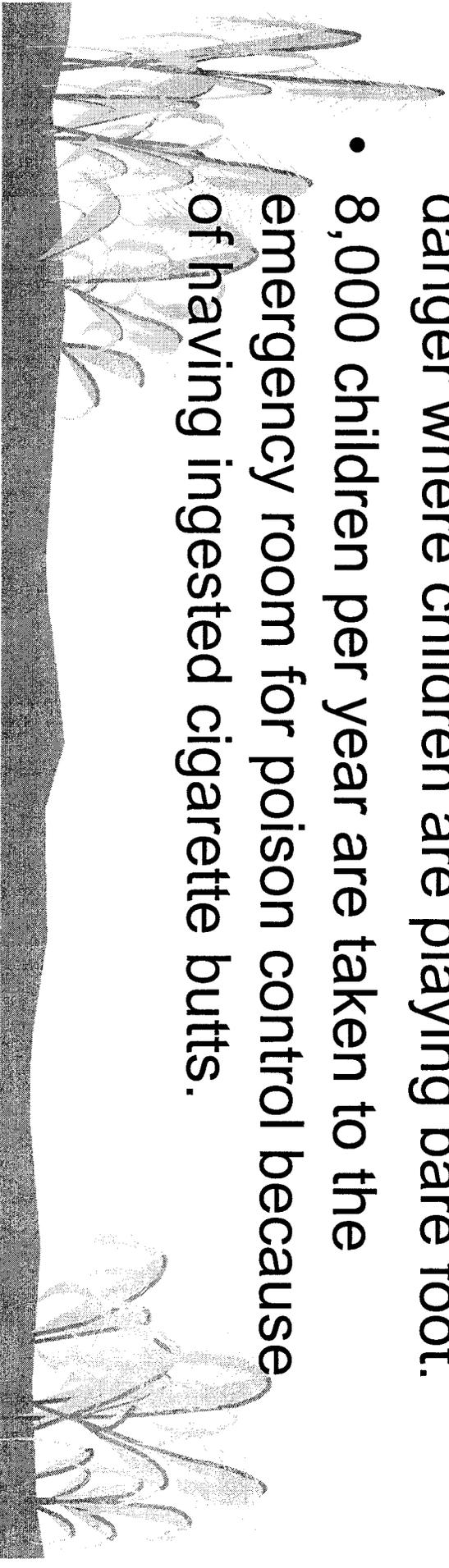
Secondhand smoke is dangerous

- Secondhand smoke a Toxic Air The California Air Resources Board has declared Contaminant that can cause or contribute to serious illness or death.
- Exposure to secondhand smoke is linked to cancer and is especially hazardous to children and people with asthma and other respiratory problems.
- Secondhand smoke has been identified by the California Air Resources Board as a toxic air contaminant.

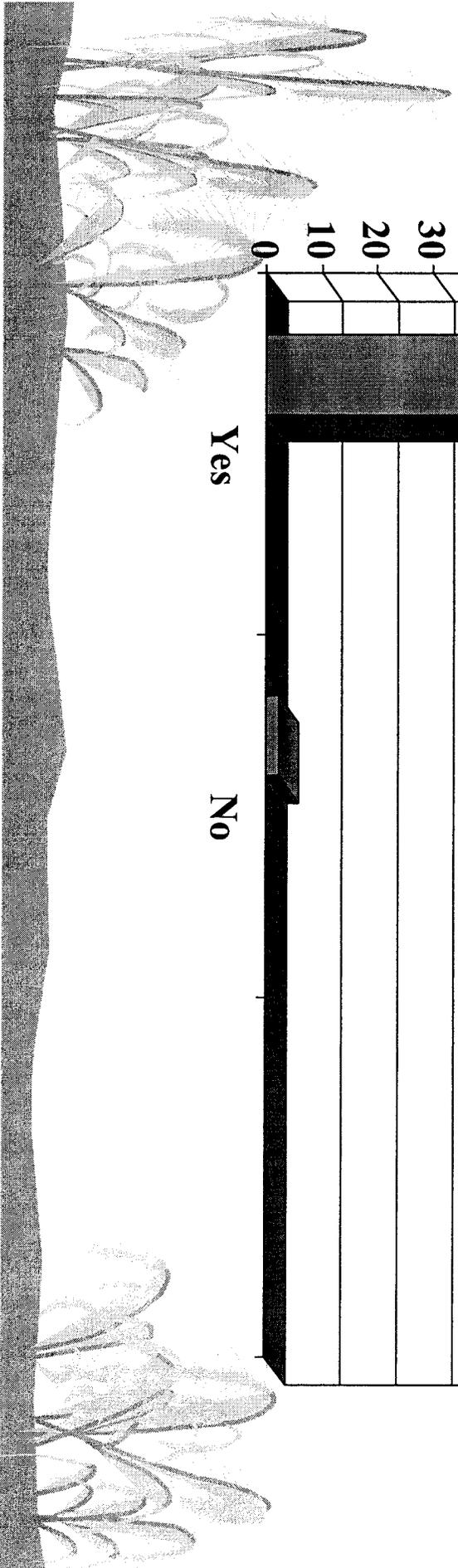
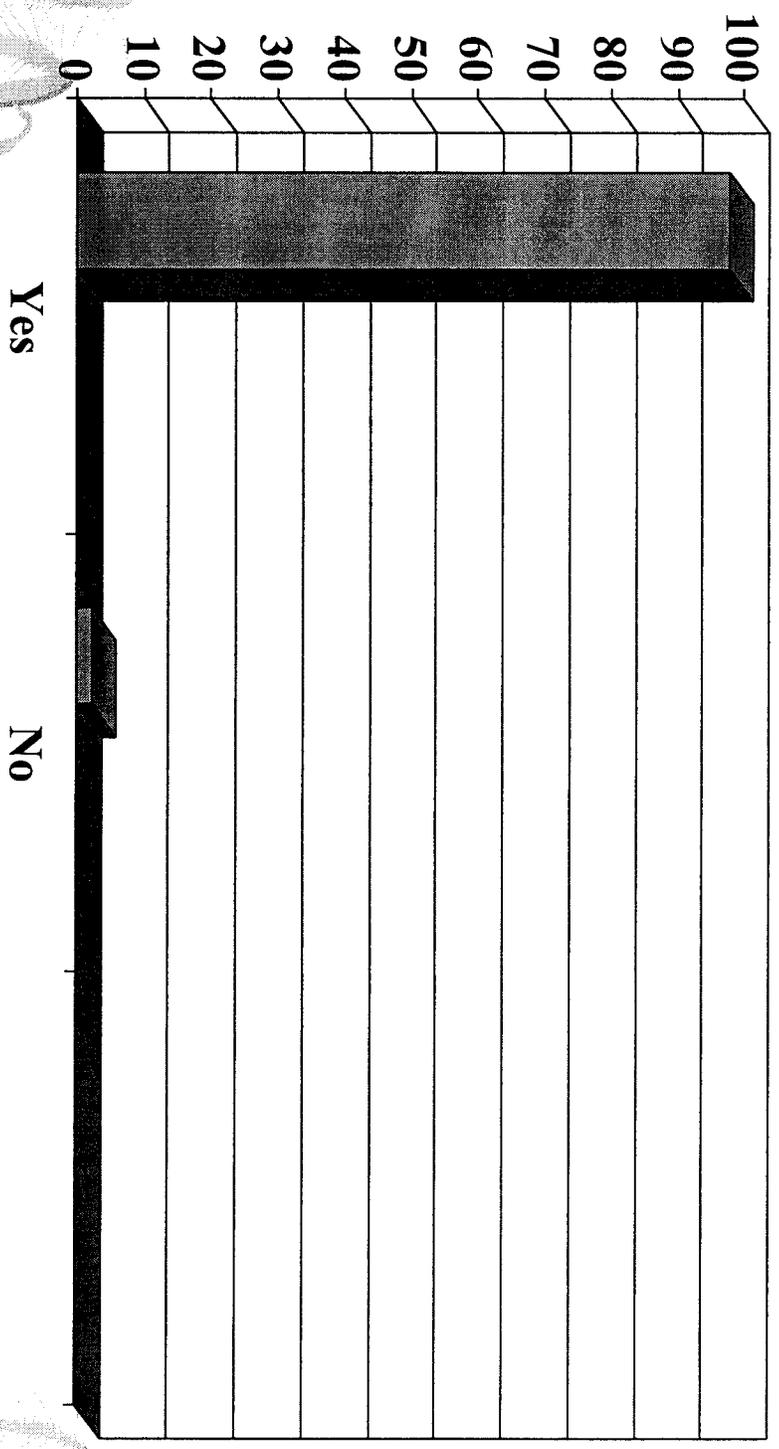


Smoking and children don't mix

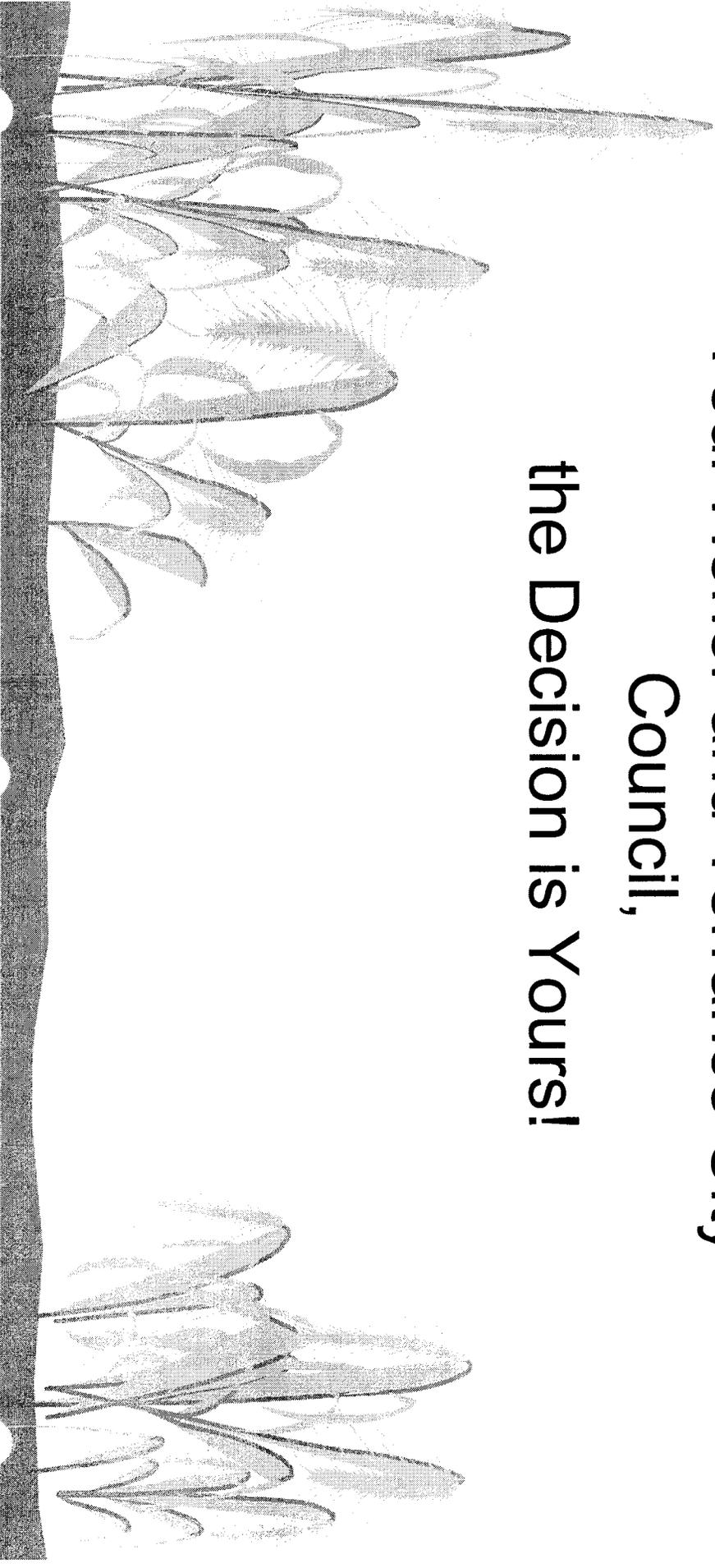
- When children see adults smoking in family friendly places, like the beach, they think smoking is an acceptable activity and are more likely to copy that behavior.
- Smoldering cigarette butts create a burn danger where children are playing bare foot.
- 8,000 children per year are taken to the emergency room for poison control because of having ingested cigarette butts.



Smoke-free beaches survey results



**Your Honor and Torrance City
Council,
the Decision is Yours!**



May 8, 2006

Mayor Walker and Members of the Torrance City Council
City Hall
Torrance, California

RE: Torrance Beach

Honorable Mayor and Members of the Torrance City Council:

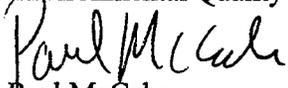
The Torrance Environmental Quality & Energy Conservation Commission supports an ordinance that would prohibit the use of tobacco products on Torrance Beach. The passage of such an ordinance would provide important health and environmental benefits to the residents of Torrance and our neighbors.

We are, however, concerned about the section of the proposed ordinance that prohibits the possession of tobacco products on the beach. Unlike alcoholic beverages, smokers often carry tobacco products with them, whether they are currently using them or not. While we understand that if one has tobacco products in his or her possession, one is more likely to actually use them, it seems that most smokers regularly carry tobacco products with them and are aware of where they are permitted to smoke. Prohibiting just the possession of tobacco products on the beach does not seem advisable.

Since we fully support the prohibition of the use of tobacco products on Torrance Beach, our commission recommends that your honorable body adopt an ordinance prohibiting the use of tobacco products on Torrance Beach.

Sincerely,

Environmental Quality and Energy Conservation Commission



Paul McCabe
Chair

ORDINANCE NO.**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 44.3.15 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

By banning smoking on Torrance Beach, the city will be denying me my civil rights

Page 1 of 2

This statement is in regard to the city council's effort to ban smoking on Torrance Beach. First, a few facts: tobacco products are legal, the sale of tobacco products is legal and smoking tobacco products is legal. Until the federal government prohibits the sale and use of all tobacco products, smoking a pipe, cigar or cigarette in this country is a legal activity.

We're all aware of the hazards of smoking and the risks smokers take when they light up - but smoking is still a legal activity and it is a personal choice. Some people choose to eat a diet high in fat, others choose to take part in high-risk sports, and some choose not to vaccinate their children. You may not agree with these decisions but they are all personal choices and perfectly legal.

Smokers are an easy target and anti-smoking legislation is an easy bandwagon to jump on. Anti-smoking activists claim smoking bans are in the best interest of the public's general health but all they end up doing is restricting personal choice by means of legislation. It's a slippery slope to try to protect people from themselves and may I point out, that is not the business of government.

I saw photos in the Daily Breeze of our local civic leaders spending a day on the beach picking up cigarette butts. What was the point of these photos? To illustrate that smokers are now solely responsible for beach pollution? It was pretty laughable to see the anti-smoking crusaders handling cigarette butts like they were some kind of biohazard, rubber gloves and all, holding up a couple of cigarette butts in a plastic baggy like they were saving the planet. If the issue is the cleanliness of our beaches, why not first address the toxic run-off fouling our beaches? That is a real hazard, not a handful of cigarette butts left behind by some inconsiderate smokers. It is quite clear that this is a non-issue and something our city council members should not be wasting time and tax payer dollars on.

While you were on the beach, did you happen to notice all the other trash like plastic twist off caps, Styrofoam cups and containers and tinfoil? These items take a lot longer to biodegrade than a cigarette butt. Take a look at our beaches any summer weekend after the crowds leave and you'll see an amazing assortment of trash and litter, which are an eyesore and a hazard to sea creatures. There are already litter laws on the books, **why not enforce them?** Because we live in a state of fear and because targeting smokers is easy. The cheesy photo op was proof of that. Why penalize all smokers because of a few jerks too lazy to dispose of their cigarette butts? And why not have our police patrols do something about all trash on the beach, instead of cruising up and down the beach on their ATV's at great expense apparently doing nothing but looking for alcohol? A few tickets will likely go a long way to remind people to pick up their trash. Surely, if smoking is to be banned from our beach then all food and drink containers must be banned as well. If the police would enforce the litter laws this proposed legislation would not be necessary and since you claim this is an overwhelming pollution problem, shouldn't it be the responsibility of the county sanitation system to address the issue?

In recent years, much has been made of the dangers posed by second hand smoke and more interestingly, no real science to back up them up. Dr. Whelan, founder and president of the American Council on Science and Health suggests, "the anti-smoking movement has gone off the deep end in overstating the health effects of second hand smoke in order to promote smoking bans. She goes on to state that the anti-smoking movement has become, "increasingly unscientific, arrogant, absolutist and intolerant of dissenting views." Finally, Dr. Whelan points out how the anti-smoking movement treats any dissent to its established dogma, even when that dogma flies in the face of common sense and scientific fact: "Funny thing about communication in science and medicine. When a politically correct theory takes hold and is loudly trumpeted, dissenters are terrified to step forward and challenge that theory lest (a) they be called apologists for, in this case, the tobacco industry or (b) they be accused of not getting on the bandwagon of what is an inherently good public health cause."

By banning smoking on Torrance Beach, the city will be denying me my civil rights

Page 2 of 2

If the real issue is second hand smoke, why not create a designated smoking area on the beach and provide trashcans with ashtrays for those too lazy to pick up their cigarette butts? I want to know just how far you plan to go with this. If smoking is banned on the beach, will smoking be banned on the Strand? When the smokers move up to the parking lot or the esplanade, will you ban smoking there as well? How long will it be before citizens are no longer allowed to smoke within the city limits? Make no mistake about it, if this insanity comes to pass, don't think for a second it won't harm local businesses.

I'm tired of the world blaming smokers for all its woes and I know the City of Torrance has far weightier issues to contend with. I would hope you focus your attention on the real issues facing our community, like under-funded and poorly performing schools, crime, traffic, inadequate infrastructure, lack of affordable housing, drug abuse, and other truly pressing problems. By

banning smoking on Torrance Beach, the city will be denying smokers their civil right to ingest a legal product and the trash problem will not be addressed.

In closing and on a personal note, when the weather warms up, I like to go down to the beach late in the day with a good book. I bring a chair and umbrella, a snack and a drink and yes, I bring my cigarettes. It's a nice way to end the day, relaxing on the beach, reading, having a smoke. This may come as a shock to you but smoking, be it a pipe, cigar or cigarette, in moderation – is a pleasure. It's not unlike a great meal, a fine wine or a fabulous dessert you treat yourself to on occasion. Stop blaming smokers for everything and using it as an excuse to persecute them.

Jackie Balestra
Torrance, CA

-----Original Message-----

From: Mauno, Michael H
 Sent: Tuesday, May 09, 2006 10:28 AM
 To: Cessna, Linda
 Subject: FW:

Linda, please include this e-mail as part of the record on item 12C for tonights meeting.
 Thank you, Mike Mauno

-----Original Message-----

From: Jacqueline Balestra
 To: Mauno, Michael H
 Sent: 04/30/2006 4:00 PM
 Subject: RE:

Mr. Mauno,

Thank you for your prompt reply.

Yes, I would appreciate it if you would forward my statement to staff so it will become part of the public record although I do plan on attending any council meetings that addresses this issue and will be reading my statement at that time.

I'm glad to hear this is not an issue of second hand smoke and I fully understand and appreciate your concern about the pollution problem. I went down to the beach yesterday afternoon to see exactly what the situation is. I spent forty minutes on Torrance Beach and while I did pick up and bag several pounds of trash (which I plan on bringing to the city council meeting) I was hard pressed to find cigarette butts. I may have seen and picked up about a dozen. These were nothing compared to the amount of plastic bottle caps and Styrofoam I collected. Apparently, when the tractors roll over Styrofoam cups and containers, they tear them into pieces that are too small to be picked up. Banning smokers from our beach is not the answer as they are no more prone to pollute than other beach goers.

Where I did see a problem was on the esplanade, in the park and the parking lot. That problem could be quickly solved by replacing the existing trash cans with models that have the built-in ashtrays or by placing ash cans next to the benches. Here's the problem - and I deal with it every day - smokers don't want to put cigarette butts into trash cans because if they're not completely out it could cause a fire. That's why you see butts on the ground or on the lip of trash cans at airports, buildings and restaurants that don't provide ashtrays. I walk my dog through the parking lot and along the esplanade almost every day and I see people (mostly surfers checking out the waves) standing there smoking. Believe me, if you provide ash cans they will use them! Instead of passing a law, why not try an ashtray pilot program and see how well it works? Instead of creating a ban inherent with negative implications for personal rights, try providing tools to alleviate the problem.

I don't believe that Torrance will become known as a "smoker's beach".

Torrance is a family beach, not a "party beach" like Hermosa and due to it's location and limited parking I don't see the smoking masses descending on our little patch of shoreline. Quite frankly, there just aren't that many smokers left.

Surely, the sanitation department should be able to come up with a better device to collect trash. Maybe they could consult with other beach cities and see how they deal with the problem of small trash items.

There are more creative and less invasive ways to deal with issues such as this and no real need to create yet another law.

Jacqueline Balestra
jackiebalestra@earthlink.net

! > [Original Message]

> From: Mauno, Michael H <MHMauno@TORRNET.COM>

> To: Jacqueline Balestra <jackiebalestra@earthlink.net>

> Date: 4/30/2006 10:24:49 AM

> Subject: RE:

>

> Hello Jacqueline, thank you for taking the time and writing a letter to me

> about the issue of smoking at Torrance Beach. Firstly, thank you for writing it in professional and well thought-out manner.

>

> Would you like me to forward it to staff so it would become part of the

> public record?

>

> I did want to comment on a couple of the issues in your letter. My primary

> reason for proposing this smoking ban was that there are three remaining

> smoking beach in Los Angeles County, Torrance Redondo and Hermosa. I am

> concerned that we will be referred to as the smoker's beaches.

>

> Unfortunately the other trash you mentioned gets picked up when ! the Department of Beaches cleans the beach with their tractors . The cigarette

> butts are too small to be picked up and are consumed by the marine wildlife.

> They just seem to collect and collect in the sand area. Nothing seems to

> work to collect the butts. For me its an environmental issue and not so

> much about second hand smoke. The reason we used gloves was that there is a

> high level of bacteria on trash on the beach and we are just protecting our

> health while picking up trash. Again, the butts are too small to be picked

> up with anything else than our fingers.

>

> I am happy to chat with you about this issue. My home phone is 310-618-1970.

>

> Thank you, Councilman Mike Mauno

>

> -----Original Message-----

> From: Jacqueline Balestra

> To: mhmauno@torrnet.com

> Sent: 04/29/2006 3:54 PM

>

> FYI

>

>

> Jacqueline Balestra

> ! jackiebalestra@earthlink.net <mailto:jackiebalestra@earthlink.net>

>

>

> <<letter to city council.htm>>

From: Wilson, Mike
Sent: Tuesday, May 09, 2006 2:47 PM
To: Nowatka, Paul M.
Cc: Johnson, Wendell
Subject: RE: No Smoking on the Beach ordinance

The idea is not to capture the storm water but to filter out the debris and some sediment before they enter the ocean. I believe Torrance has the CDS units on those storm drains that enter the ocean within the boundaries of Torrance.

Other storm drains in our city enter sumps (Ocean Avenue, Maple, Henrietta, etc.) where the water percolates back into the soil hence, the debris doesn't reach the ocean from these sources. Other parts of the city may drain to the Dominguez Channel which leads to the L.A. Harbor.

Wendell has confirmed that the CDS units indeed filter out the cigarette butts and I will rely on his expertise in the storm drain system to clarify or augment my information.

mike

From: Nowatka, Paul M.
Sent: Tuesday, May 09, 2006 2:44 PM
To: Wilson, Mike
Subject: RE: No Smoking on the Beach ordinance

Thank you, I got the link. Is it true that we only capture some of the storm water with the traps?

Paul

From: Wilson, Mike
Sent: Tuesday, May 09, 2006 2:41 PM
To: Nowatka, Paul M.
Cc: Johnson, Wendell
Subject: RE: No Smoking on the Beach ordinance

Good Afternoon, Councilman:

I'm almost certain they do but I will ask Wendell Johnson in Public Works to verify this. A search of the web site for the CDS units indicates they screen debris as small as 1 mm. I will send you a link or two on the units.

Mike

From: Nowatka, Paul M.
Sent: Tuesday, May 09, 2006 2:32 PM
To: Wilson, Mike
Subject: FW: No Smoking on the Beach ordinance

Do the filters catch items as small as cigarette butts?

5/9/2006

Paul

From: Jackson, LeRoy
Sent: Monday, May 08, 2006 11:33 AM
To: COUNCIL2
Subject: FW: No Smoking on the Beach ordinance

-----Original Message-----

From: Wilson, Mike
Sent: Monday, May 08, 2006 11:15 AM
To: Barnett, Gene; Jackson, LeRoy; Giordano, Mary; Paras, Gesuina
Subject: No Smoking on the Beach ordinance

FYI:

Ian Hannigan of the Daily Breeze called me today asking my opinion of the No Smoking on The Beach ordinance. He had called a month or so ago and was following up now that the issue is on tomorrow night's Council agenda.

My points were:

In my opinion, the majority of the cigarette butts come not from people smoking on the beach but rather from smokers who discard them inland from the beach and they wash out in the storm drain systems to the beach.

I indicated that the Surfrider Foundation and Heal the Bay may have empirical data on the number of cigarette butts on the beach as a result of their clean up days.

I also suggested that he contact a city that has enacted the ordinance to see if they have any data that suggests a reduction in the amount of cigarette butts post-ordinance.

I also informed him we have the filtration storm drains in place at Miramar Park and the Torrance beach parking lot.

mike

From: Wilson, Mike
Sent: Tuesday, May 09, 2006 2:40 PM
To: Nowatka, Paul M.
Subject: Emailing: contdeflective

Councilman:

Here is one link on eh CDS units.

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://www.epa.gov/NE/assistance/ceitts/stormwater/techs/contdeflective.html>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: Wilson, Mike
Sent: Tuesday, May 09, 2006 2:49 PM
To: Nowatka, Paul M.
Cc: Beste, Robert; Cook, Tom; Johnson, Wendell; Brewer, Bob
Subject: RE: CDS units

Councilman:

Public Works would have any data on how much is trapped and collected from the CDS units.

mike

-----Original Message-----

From: Nowatka, Paul M.
Sent: Tuesday, May 09, 2006 2:49 PM
To: Wilson, Mike
Subject: RE: CDS units

Wow, that is interesting. I suppose we have data on the amount of debris we trap?

Paul

-----Original Message-----

From: Wilson, Mike
Sent: Tuesday, May 09, 2006 2:43 PM
To: Nowatka, Paul M.
Subject: CDS units

Councilman:

Another link on the CDS units.

mike

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://www.cdstech.com.au/group/tour1.asp>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.