

Calabasas Takes Dramatic Steps Toward Creating a “Smoke-Free City”

On February 15, 2006, the Calabasas City Council unanimously voted to adopt an ordinance (Ordinance No. 2006-217) which restricts smoking in all outdoor public places except for designated smoking areas. The ordinance went into effect on March 17, 2006. A brief analysis of the new law is included below as well as information regarding enforcement in the months since the ordinance has been in effect.

The Comprehensive Secondhand Smoke Control Ordinance

The Calabasas ordinance prohibits outdoor smoking in all areas accessible to the public. This includes outdoor worksites and enclosed and unenclosed patio areas of restaurants and bars. Outdoor areas not open to the public, like construction sites, are not covered. The ordinance also prohibits smoking within 20 feet of an entrance to any enclosed, non-smoking area and in outdoor common areas in multi-unit housing (lobbies, hallways, swimming pools, outdoor eating areas, play areas, etc).

Smoking is permitted on private residential property (unless used as a child-care or health-care facility), in up to twenty percent of guest rooms in a hotel or motel, in designated smoking areas in shopping mall common areas, and in other outdoor areas not specified in the ordinance as long as no non-smoker is present. The ordinance allows business owners to request a designated smoking area provided the area conforms to certain requirements, including layout, location and conspicuously placed signs identifying the area.

This is the first ordinance in California to declare secondhand smoke a public nuisance. The ordinance says that “exposing other persons to secondhand smoke constitutes a public nuisance and may be remedied as such.” This provision makes it easier for a person affected by secondhand smoke, like a neighbor in multi-unit housing, to request a court order (injunction) to prevent the exposure. Together with the private enforcement provision detailed below, the nuisance standard gives Calabasas residents an additional legal remedy to protect themselves from exposure to secondhand smoke.

Enforcement Procedures

The City code enforcement unit enforces the law in streets, parks, and other outdoor areas. The City currently has two code enforcement officers who will enforce the new ordinance. The ordinance requires business owners to enforce these provisions in their establishments. Citizens of Calabasas can also report any violations of the law to the code enforcement unit.

If citizens report violations at a local business, the business owner is contacted by the City regarding the complaint. The owner is given time to educate employees, post no-smoking signs or request a designated smoking area. If the business complies with these requirements and smokers persist in violating the ordinance, the City will start by issuing warnings and fines directly to the smoker. Unless businesses intentionally violate or profit from not enforcing the ordinance, they would not be subject to fines or prosecution.

A violation of the ordinance can be charged as a misdemeanor or an infraction, at the discretion of the city prosecutor. The ordinance also allows any member of the public to sue to enforce these provisions

so long as 60 days notice and the opportunity to bring suit is first provided to the City. Private citizens using this option can be awarded actual damages, restitution and attorney's fees.

Since the ordinance went into effect on March 17, 2006, the City has issued warning letters to a few local businesses. Almost 50 local businesses have applied to create designated smoking areas for their establishments. Warnings have been given to people smoking on the street or in other outdoor areas, but no citations have been issued.

Public Awareness Campaign

When the ordinance passed in March, Calabasas began a broad public awareness campaign to publicize and explain its provisions. The City designed a logo and identity for the campaign, which was themed "Clean Air Calabasas." A brochure explaining the ordinance was sent to every resident and business owner. The City produced stickers that business owners can place in front windows, business cards explaining the ordinance and sugar free breath mints to hand out to patrons. In addition to all the free media associated with the ordinance, the City held press events to educate residents about the new ordinance. The news of Calabasas raising the bar to protect nonsmokers from secondhand smoke generated extensive regional, national and global media coverage.

Since the ordinance has been in effect, the response from the community has been very positive and no one has spoken against the ordinance at subsequent City Council meetings.

As part of the public awareness campaign, the city produced free stickers ("Smoke Free City") for business windows and signs that businesses may purchase to identify smoking and non-smoking areas.

Window Decals



Smoking and Non-Smoking Signs



For more information or to see a copy of the Calabasas ordinance online, advocates can visit the City's website:

<http://www.cityofcalabasas.com/secondhandsmoke.html>

The Center for Tobacco Policy & Organizing promotes community organizing strategies to empower local coalitions to achieve tobacco policy change, and serves as a state tobacco control policy analysis and information resource. Please contact Meredith Nixon at (916)442-4299 or mnixon@alac.org if you would like more information about the Center or tobacco control policy issues.