



Frequently Asked Questions About **SMOKE FREE DANA POINT**

Why did the City Council adopt a new smoking ordinance?

In order to promote and protect public health, safety and general welfare, the City Council adopted a citywide smoking ordinance that prohibits smoking in all public places, including hazardous fire areas, places of employment, in City facilities, and on City property. The ordinance is further intended to ensure a cleaner and more hygienic environment for the city, its residents and visitors, and its natural resources.

Which public areas are affected by the new ordinance?

The ordinance applies citywide to any indoor or outdoor public place publicly or privately owned, including but not limited to sidewalks, streets, alleys, dining areas, bars, plazas, parks, parking lots, parking structures, picnic areas, playgrounds, sports fields, bike paths, and hazardous fire areas.

Does the ordinance apply to private residential property?

NO. The ordinance does not apply to private residential property (i.e., single-family homes).

Where else is smoking prohibited?

Smoking is also prohibited in fire areas, places of employment, in City facilities, on City property, and on the property of other governmental bodies.

When did the ordinance go into effect?

The ordinance went into effect on February 15, 2018.

Are there any exceptions?

YES. Smoking is only permitted in two areas of Dana Point:

- 1) On private residential property, other than those used as a child-care or health-care facility
- 2) Within a vehicle

Does the new ordinance address electronic cigarettes and vaping?

YES. Electronic cigarettes and vaporizers, along with all tobacco and marijuana products, are included in the City's definition of smoking and are prohibited wherever the use of cigarettes is prohibited.

What about hotels, motels, or bed and breakfast establishments?

Hotels, motels, and bed and breakfast establishments may establish their own rules permitting or prohibiting smoking on portions of their property that is not open to the public, including guest rooms, pools, and similar facilities & areas.

How will these new regulations be enforced?

Public Responsibility - Those responsible for an area in which smoking is prohibited shall not knowingly allow smoking in that area. In addition, they shall post "No Smoking" or "Smoke-Free" signs at the primary entrance to any place where smoking is prohibited, including public places or places of employment. Alternatively, businesses or individuals can download and post the City's Smoke-Free Dana Point Poster at bit.ly/smokefreedpposter

City Responsibility - The City will post signage near the primary entrances to public places where smoking is prohibited. The ordinance is intended to be self-enforcing. However, any police, fire, or code enforcement officer will respond to smoking violations if needed. In the rare case of non-compliance, the City has the ability to issue a citation.

How much are the fines if someone is caught violating the ordinance?

Violations of the ordinance are considered an infraction and penalties range from \$100 for first violation, \$200 for second violations and \$500 for third violation.

