

## Background and Purpose

### Why was this law enacted?

On September 22, 2008, the City Council of the City of Culver City adopted an ordinance that bans smoking in outdoor dining areas in Culver City. The law (CCMC § 9.11.110.A) becomes effective on October 21, 2008.

The City Council's intent is to control exposure to secondhand smoke by prohibiting smoking in Outdoor Dining Areas, in addition to those places where smoking is prohibited by state law. Outdoor Bar Patios are excluded from the smoking ban.

The California Air Resources Board has identified tobacco smoke, or secondhand smoke, as a Toxic Air Contaminant, which may cause and contribute to death or serious illness, including risks of cancer, and is especially hazardous to children and people with asthma and other respiratory problems.



## Helpful Definitions

### What is an "Outdoor Dining Area"?

An Outdoor Dining Area means any non-enclosed area located on private or public property made available to or customarily used by the general public that is designed, established or regularly used for consuming food and/or beverages or where food

and/or beverages are served whether or not for compensation. This includes but is not limited to restaurants, hotels, patios, and coffee shops. This does not include an Outdoor Bar Patio.

### What is an "Outdoor Bar Patio"?

An Outdoor Bar Patio is defined as any non-enclosed area located on private or public property utilized primarily for the serving and/or consumption of alcoholic beverages, in which the serving and/or consumption of food is incidental to the serving and/or consumption of such beverages, and where minors are not allowed to enter and remain. An Outdoor Bar Patio does not include an Outdoor Dining Area, regardless of whether alcoholic beverages are served and/or consumed therein.



# Culver CITY

## Adopted Smoking Ban in Outdoor Dining Areas

Effective October 21, 2008



city of culver city

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Community Development Department  
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**Establishing an  
Outdoor Bar Patio**

**How do I establish my Outdoor Bar Patio?**

Any property owner or business may designate an Outdoor Bar Patio for the establishment. In order to do so, the restaurant or bar must first have a valid Outdoor Dining Permit, obtained from the Engineering Division (for public property) or an Administrative Use Permit (for private property), obtained from the Planning Division. All non-enclosed areas, which a proprietor designates as an Outdoor Bar Patio, must have signs to clearly designate that location as a smoking area.

To assist the City with proper enforcement of the law, please register your Outdoor Bar Patio by submitting a letter on your business letterhead and a photograph of the proposed area to the Economic Development Manager, City of Culver City Community Development Department, 9770 Culver Blvd., Culver City, CA 90232. Registration does not constitute a permit to operate. Moreover, registration does not avoid an enforcement action if the Outdoor Bar Patio is being operated as an Outdoor Dining Area.

**Can my Outdoor Dining Area Become an Outdoor Bar Patio During Certain Hours?**

No. As the owner of your establishment, you must determine whether your non-enclosed area is operated as an Outdoor Dining Area OR an Outdoor Bar Patio.



**Enforcement**

***If I see someone smoking in an Outdoor Dining area, what should I do?***

*If you feel comfortable approaching the smoker yourself, you may notify the smoker that they are violating the law and ask them to stop or leave the area. If the person is smoking on a restaurant patio, you may notify an employee of the business. Businesses are required to enforce the smoking prohibition in areas under their control and can be cited if they knowingly allow smoking in a prohibited area.*

*If the smoker refuses to stop or leave, you may call the Culver City Police Department at (310) 837-1221 to enforce the law. Please do not call 911 to report violations of smoking in outdoor dining areas. Please note that the Police Department is busy handling many different issues throughout Culver City. Enforcing the secondhand smoke control law must be prioritized based upon immediately available resources.*

***What is the penalty for smoking in an Outdoor Dining Area?***

*Any violation of the law is subject to citation by the Culver City Police Department and may be prosecuted as an infraction or a misdemeanor. It is hoped that in most cases, a smoker will be asked by a property owner, business manager, or nearby non-smoker to stop smoking or move to an area where smoking is allowed before the police are called. However, a citation may be issued whether or not this initial “warning” is given. In addition, a “violator” may be subject to civil and/or administrative penalties and fines.*

**Additional Enforcement Information for Businesses**

**Do I have to post any signs?**

Yes. Business and property owners are responsible for posting signs in specified locations. Sign requirements and specifications are available on the City’s web site at [www.culvercity.org/smoking](http://www.culvercity.org/smoking), or you may pick up a sign at City Hall-Enforcement Services Division, 2nd, 9770 Culver Blvd, Culver City. Signs may be in color or black and white. Failure to post a sign could lead to a citation. Signs must be posted by November 19, 2008.

**Do I have to enforce the law personally?**

Yes. Property owners and businesses are responsible for ensuring compliance with the law in areas under their control. You must take appropriate steps to achieve compliance with the law by approaching the smoker and/or calling the Police Department. If you are aware that someone in an area under your control is violating the law, and you do not take appropriate steps to stop it, you may be subject to citation. Be sure to inform your managers and staff of the new regulations.

