

# A Coast City Bans Outdoor Smoking In Public Places

By **JOSH GERSTEIN**, Staff Reporter of the Sun | March 17, 2006

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**SAN FRANCISCO** - ANTI-SMOKING ACTIVISTS ARE HAILING A SOUTHERN CALIFORNIA CITY'S NEAR-complete ban on smoking in public places as the strictest in the nation and a model for communities eager to crack down further on tobacco.

Effective Friday, the city of Calabasas is making it a crime to light up in streets, sidewalks, parks, playgrounds, and even the common areas of apartment complexes.

"We're elevating the rights of people to breathe clean, safe air," the city's mayor, Barry Groveman, told The New York Sun yesterday. "We don't really think it's that controversial," he said, while adding that the city's move has brought threats from across the country and inquiries from as far away as Australia.

The outdoor smoking ban was instigated by a local student, Margo Arnold, who complained to city council members last year about being irritated by second-hand smoke while dining at an open-air mall with her fellow high school seniors.

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"I would get headaches from it and I'd have to go inside why I as a nonsmoker should have to remove myself from the table or multiple tables to get away from the smoke. I just didn't think it was right."

*Not interested*

An anti-smoking crusader, John Banzhaf, flew in from Washington last month to praise Mr. Groveman and his colleagues as they adopted the first-in-the-nation prohibition.

"I think that their ordinance is creating a new paradigm with regard to smoking and particularly smoking outdoors, and could well be the opening gun in what will within a year or so probably sweep California and ultimately be copied in other jurisdictions," Mr. Banzhaf, the executive director of Action on Smoking and Health, said.

"It's probably coming to New York," he added.

A survey taken last year for the New York State Department of Health found that 52% of New Yorkers favored banning smoking in outdoor places and 75% supported a ban on smoking in entrances of public buildings and workplaces. However, among New York smokers, only 24% backed the idea of an outdoor smoking ban.

Mr. Banzhaf said about 750 communities have some limit on outdoor smoking, such as a ban on smoking at beaches or parks, but the Calabasas ordinance is the most sweeping in its scope.

The new law has provoked little public opposition in Calabasas, a city of roughly 25,000 located

about 25 miles northwest of downtown Los Angeles. Ms. Arnold said several hearings on the measure drew out only a single critic, who complained the ban was an infringement on civil liberties. The local chamber of commerce and restaurant association are supporting the antismoking ordinance.

The muted reaction from Calabasas smokers may be because many of them have ample space to indulge in their gated communities and expensive homes, sometimes derided as "McMansions."

Before the smoking ban, Calabasas's claim to fame was as the perch for celebrities Nicholas Lachey and Jessica Simpson during the filming of the MTV series about their marriage, "Newlyweds." The pair is divorcing and their \$3.75 million house was recently put on the market.

An owner of a nearby tobacco store said yesterday that there is opposition to the outdoor-smoking ban, but many people view it as a done deal. "A lot of customers we have are against it. They felt it's a funny thing," Alexander Sanders of My Tobacco Zone in Tarzana, Calif. told the Sun. "Because we sell tobacco we have to be against it."

Mr. Sanders said he is dubious of the asserted health impact on non-smokers. "They say an exhaust pipe from a car puts out about 100 times the carbon monoxide as one cigarette," he said.

At least one anti-smoking activist has questioned the health benefit of bans on outdoor smoking. "There is little evidence that smoking in open outdoor areas is a serious cause of disease or other adverse health effects," a physician and behavioral sciences professor at Boston University, Michael Siegel, wrote on his blog. He said he fears calls for outdoor smoking bans could detract from or even derail efforts to ensure that bans on bar, restaurant, and workplace smoking are adopted nationwide.

The new Calabasas ordinance contains several exceptions. Shopping malls will be able to designate areas in their parking lots as "smokers' outposts." They can be covered, but must be located as far as practical from any buildings. Hotels will also be able to set aside up to 20% of their rooms for smoking guests. There is also a provision aimed at protecting those who duck out on the sidewalk in the middle of the night for a smoke or who want to light up when no non-smokers are around and "it is not reasonable to expect another person to arrive."

During his visit to Calabasas last month, Mr. Banzhaf rejected claims that the government should not restrict the use of cigarettes, which are still legal. "Yes, they are, but then so are alcoholic beverages and aerial fireworks, trail motorcycles, and Formula One racing cars, dice for gambling and large size blow-up dolls meant for various sexual purposes," he told the city officials. "The fact that these are legal items doesn't mean that there's any corresponding right to use them on a city street."

Violations of the ordinance are a misdemeanor that can be punished by a fine of up to \$500 and, in theory, a jail term of up to a year. However, Mr. Groveman said the most likely outcome would be that the offender would be asked to extinguish his or her cigarette. "We do not have smoking police," he said. "It will be administered by code enforcement."

Mr. Groveman said he expects few, if any, citations to be issued. No one has ever been punished for

violating the city's existing ban on smoking inside bars and restaurants, he said. "People that do smoke are generally courteous," he said.

Mr. Groveman insisted that the ordinance is not the first step toward an outright prohibition on smoking everywhere in Calabasas, but he made clear he hopes the measure will send a message about smoking. "People unfortunately have this habit. We respect it. We don't tell people what to do, but this is not something that should be a model for kids and future generations," he said. "It will also set the right standard for what our kids will see."