

# Smoking Regulations

Prohibition of Smoking in Public Places

Smoking optional areas

# Statutes Regulating Smoking Regulations

- Division 8 – Public Health and Safety  
Regulations
  - Chapter 8.350 – Smoking Regulations

# Department or Agency having Jurisdiction:

- Police Department
- Neighborhood Preservation

# Party responsible for Compliance:

- Patron
- Business & Establishment Owner
- Property Owner

# Violation Notification Process

Responsible party is notified via a letter

- Self-Certification Letter allows you to correct any reported violation(s) within 30 days without penalties. This letter also serves to educate and provides understanding of the rules of our city ordinances.
  - Letter must be signed by responsible party and returned to Inspector.
  - Notice of Violation Letter allows you to correct verified violation(s) within 30 days without penalties. This letter also serves to educate and provides understanding of the rules of our city ordinances.
  - An inspection is requested and scheduled to verify violation(s) before civil penalties (citation) are issued.
  - Notice and Order Letter allows you to correct any substandard property related violation(s). Abatement deadline may vary based on the extent of the violation(s) and if submittal of plans and permits will be required. This letter also serves to educate and provides understanding of the rules of our city ordinances.
  - An inspection is requested and scheduled to verify violation(s) before civil penalties are issued. (Administrative citation)
  - Communication between responsible party and Inspector is advantageous for abatement timeframe and case closure.
- Our main objective is to obtain voluntary compliance.

# Method(s) of Abatement

- Responsible party shall correct violation(s), sign and return self-certification letter, comply with Notice of Violation letter, or Notice and Order letter within time frame indicated on letter.
- Communication between responsible party and Inspector is advantageous for abatement timeframe and case closure.
- If an extension is requested, case will be reviewed and responsible party notified if extension is granted or denied.
- Submit plans to Planning Division if required. (Take letter with you for faster service)
- Obtain Permits, if required (take letter with you for faster service)
- Pay civil penalties, if an administrative citation was issued.

# Consequences of Non-Compliance:

- Refuse Containers, Play Equipment, Animal violations= \$53.00 first offense
- Other Municipal code violations=\$132.00 first offense
- Business License Tax violations= \$185.00 first offense
- Substandard and Property Maintenance violations= \$424.00 first offense
- Sewage and Hazardous Materials Discharge violations= \$424.00 first offense
- 2<sup>nd</sup> offense= 2 x original fine
- 3<sup>rd</sup> offense= 3 x original fine
- Delinquency Fee: \$101.00
- An alternative, cases may be referred to the City Attorney's Office for prosecutorial discretion and/or a Notice of Non-Compliance filed with County Recorder's office though the County Assessor's Office for cost recovery

# Due Process

- Pay civil penalties within 30 days of issuance of the citation.
- The person cited has the option of requesting an initial administrative review provided it is requested within 20 days of issuance of the citation.
- If the department upholds the citation, the person cited can request an administrative hearing which is conducted through an third party hearing officer.
- If the citation is upheld through the hearing officer, the person cited still has the option of appeal through Superior Court.

# For more Information:

- California Smoking Law:

[http://www.dir.ca.gov/dosh/dosh\\_publications/smoking.html](http://www.dir.ca.gov/dosh/dosh_publications/smoking.html)

- County of Ventura Environmental Health Division:

<http://www.ventura.org/rma/envhealth/>

City of Ventura Municipal Code:

<http://www.cityofventura.net/cm/municipal-code>