

# City of Pasadena

## Enforcement Approach to Ads in Stores

### Background

Pasadena, a medium sized city located in an urban Southern California setting, is internationally known for its annual New Year's Day Tournament of Roses Parade and football game and has more recently become a tourist area with an historical 'Old Town'. It has a very diverse population of 135,000 (45% Caucasian, 27% Latino, 18% African American, 8% Asian Pacific with 2% from other backgrounds). Pasadena is a middle income to affluent area with a median household income of just over \$35,000. About 15% of the residents live in poverty in an economically depressed pocket located in the northwest part of the city. The city population is also well educated with the vast majority of residents (77%) having a high school diploma or higher. As a result, Pasadena residents tend to be opinionated and somewhat political.

The City of Pasadena is one of three cities in the state to have its own health department, and residents are known to take a proactive stance on community health issues. As with many communities, residents prefer to see immediate results from tobacco control efforts rather than to commit to long term efforts. The tobacco control coalition is concerned with the enforcement of laws, especially in regards to illegal tobacco advertising and promotions and over-the-counter sales. The coalition is considering whether to work toward a policy option to restrict ads in bus shelters and recently objected to the mayor's sponsorship of a \$110 per person cigar night at Rose Bowl stadium targeted to cigar connoisseurs. The climate around tobacco control is fairly positive but merchants want the government, represented by the health department's tobacco control program, to leave them alone. Documentation shows that one business left the city as a result of ongoing enforcement of Assembly Bill 13 which prohibits smoking in the workplace.

The staff of Pasadena Tobacco Control assessed **community readiness** using three methods. Community opinion surveys, key leader interviews, and merchant surveys documented local opinions about the influence of tobacco advertising on the community and the types of restrictions that would be supported by residents to counter pro-tobacco advertising. In the fall of 1995, the data were synthesized by Pasadena Tobacco Control staff who wrote the following in their action plan.

Pasadena is ready for community norm changes regarding tobacco advertising and promotions. Survey data indicate that businesses agree that tobacco advertising and promotions increase their sales of tobacco products; but are in disagreement on whether the removal of these items would have a positive or negative effect on business. A majority of merchants feel tobacco advertising and promotions aimed at youth are a problem and 66% would be willing to post pro-health ads in their store; 39% would be willing to remove tobacco ads near candy or three-feet and below. The Key Community Leader Survey results show a community ready for action regarding tobacco advertising.

Based on this assessment of community readiness, the tobacco control program set the following **objective**:

By June 30, 1996, collaborate with Code Enforcement to urge 15 Pasadena merchants to comply with the local sign ordinance regarding storefront tobacco advertising and portable free-standing sidewalk signs.

### **Chronology of Events and Key Players**

The current city sign ordinance states that no 'sandwich board' or sidewalk signs are allowed in Pasadena, except for the Central District Zone around Old Town where merchants are allowed to use sandwich boards to advertise their business, but not specific products. In order to address this objective in an efficient manner, the Tobacco Control Project formed a partnership with the Code Enforcement Office. The Code Enforcement Office staff agreed to accept complaints from tobacco coalition members and to work with merchants to correct sandwich board violations. A small sample of stores non-compliant with the sidewalk signs ordinance was selected based on coalition observations and data collected during Phase I and Phase II.

Project staff and coalition members took *photographs* of 12 stores, nine of which had non-compliant sandwich board signs, to document the problem. Because the Code Enforcement Office wanted complaints to be sent in writing, the coalition devised a complaint form. Copies of the form were distributed to coalition members for individual store follow-up on sign ordinance violations. The goal was that each coalition member would *adopt a store* "for life" and continue to monitor that store for sandwich board violations.

Nine official Coalition *complaints* were forwarded to the Code Enforcement Office according to the previous agreement between tobacco control and the Code Enforcement Office. For some unknown reason the Code Enforcement Office investigated only three of nine or 33% of the complaints that were sent by coalition members. One speculation was that Code Enforcement didn't consider the sidewalk signs to be an immediate health hazard as compared to other potential sign violations such as a banner falling on unsuspecting passers-by. The project also discovered that all of the signs that had been removed after the complaint process reappeared within a two-week period.

As a result, staff invited the Code Compliance Officer to a *coalition meeting* to better understand the procedures Code Enforcement uses to respond to complaints and why their complaints had not resulted in enforcement action. The project hoped that giving the Code Compliance Officer a chance to hear from community members directly would increase the responsiveness of the enforcement office and make enforcement of sign violations a higher priority. The meeting was attended by 6 Public Health Department staff and 8 community members. After coalition members made several attempts at getting their questions answered by the Code Compliance Officer, The City Health Officer confronted him about the lack of enforcement and timely response to citizen's complaints. Coalition members showed store photographs documenting that sign violations had not changed despite timely complaints and stated their concerns, based on current statistics, that tobacco advertising has a large impact on children's use of tobacco. By the end of the meeting the Code Compliance Officer told the coalition that

the priority for the code enforcement staff in the next month would be to increase merchant compliance with the entire sign ordinance vs. just one small part (sidewalk signs). The complaint form generated by the coalition sandwich board effort was instrumental in helping the enforcement office to establish this as a priority. As a result of this meeting, coalition members were confident that the Code Compliance Officer understood the seriousness of the complaints generated by community members and the impact that advertising has on children. Following the meeting, a project staff member called the Code Compliance Officer to thank him for his participation. He assured the staff member that he would continue to follow up on the complaints generated by the coalition.

A project staff member stated, "We all need to be on the same page and not send Code Compliance complaints that are not investigated. We need to figure out a process that works in order to accomplish this task. The coalition is determined to get the Code Compliance Officer to enforce the ordinance. The coalition is ready to demand action and has the *option to file a complaint* with the planning commission if no action is forthcoming from code enforcement."

The project staff is planning to send a congratulatory *letter* to all merchants who are in compliance with the city ordinance on displaying sandwich boards, and additional letters to stores that are non-compliant asking them to remove their signs.

## **Outcomes**

Of twelve stores that coalition members adopted, nine were found to be in violation of the sandwich board ordinance at the baseline measurement. A complaint form was sent to code enforcement for each non-compliant store. Of the three known interventions by Code Compliance, coalition members were able to confirm that one merchant removed a sandwich board sign, although the change was temporary, lasting for only two weeks. The other two stores did not appear to respond to the citation and were never observed without signs. The project then met with the Code Compliance Officer to advocate for stronger enforcement of sandwich board violations. Following this meeting and stronger action by the Code Enforcement Office, five of the nine stores removed their illegal signs, and this effect was maintained one month later.

## **Challenges and Solutions**

Project staff are aware that removal of sandwich boards may not yield a permanent change; repeated violations are expected as merchants feel comfortable in replacing the sandwich boards once the 'heat' dies down.

A second challenge is obtaining "true" commitment from the Code Enforcement Office to enforce the local sign ordinance. Project staff don't know why they had so much difficulty in getting commitment from Code Enforcement, although staff at the Code Enforcement Office have reported that "sign work" is a low level priority compared to some of the other issues that must be addressed by Code Enforcement workers. Using the Pasadena coalition to voice concerns over the priorities of Code Enforcement may prove to be a useful strategy in moving sign work into a higher ranked priority on the agenda of Code Enforcement workers.

The project also encountered difficulties in obtaining compliance from merchants in economically disadvantaged neighborhoods that have higher rates of ads and signs.

### **Lessons Learned and Implications for Tobacco Control**

The coalition felt it was important to start with sandwich boards because coalition members knew they were illegal. Project staff thought this project would be an “easy-to-change” part of the sign ordinance and thought they could get quick compliance. However, the project has not turned out to be as easy as anticipated. Prior to the coalition meeting with the Code Enforcement Officer a Tobacco Control staff person stated, "I thought this would be really, really easy. Now I feel like we need to start all over again."

One critical step in undertaking this type of objective is in getting buy-in from the Code Compliance Officer. It is crucial to talk to the Compliance Officer ahead of time so that you will not be viewed as a problem/complainer, but rather, someone willing to help them do their job. In retrospect, the coalition could have saved a lot of time and aggravation by inviting the Code Compliance Officer to a coalition meeting earlier in the project to clarify the program objectives, establish a trusting working relationship, and to get buy-in from Code Enforcement.

It is crucial to find allies for your strategies and to call on them when support is needed. The City Health Officer, due to his status in the community, was able to get action from Code Enforcement when efforts from project staff and coalition members did not. The involvement of the Health Officer enhanced the validity of complaints submitted for sign violations and helped to move this issue up on the list of priorities for Code Enforcement.

It is important to document the violations with photographs so that the coalition has proof of ordinance violations for future reference. In this way, should it become necessary to take a stand with Code Compliance you will be prepared to show proof of violations by pairing the complaints with dated photos.

A strong coalition with coalition buy-in and support is critical to the success of the project. In this project, the concerns of community coalition members seemed to carry more weight with Code Enforcement than the concerns of project staff especially around the issue of youth and tobacco use. The Pasadena Tobacco Coalition members do important and need work for the city program. Coalition member "adopters" will return to the same stores to work on interior and exterior advertising issues in a later phase of this project. In all likelihood, this task would not be accomplished if left for staff alone.

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