

ORDINANCE NO. 1451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA REVISING THE ARCATA MUNICIPAL CODE RELATING TO SMOKING

TITLE V: SANITATION AND HEALTH CHAPTER 7: RESTRICTING SMOKING IN THE CITY

The City Council of the City of Arcata does ordain as follows:

Section 1: Title V (Sanitation and Health), Chapter 7 (Restricting Smoking In The City), Section 5703, of the Arcata Municipal Code are hereby amended as shown in the following strike through and double underscore.

SEC. 5703. Smoking Prohibitions.

A. City Buildings and Facilities. Smoking shall be prohibited within an area measured thirty (30) feet from any exterior wall or facade surrounding all City buildings and facilities.

~~B. Downtown. Smoking shall be prohibited within the downtown area. For purposes of this chapter, the "downtown area," or "downtown," means that area located in Arcata and bordered by 7th Street to the South, 11th Street to the north, J Street to the west and Highway 101 to the east, including sidewalks.~~

B. Unenclosed City Property: Smoking shall be prohibited on any public street, sidewalk, parking lot or any other property owned or leased by the City, or in which the City holds a right of way easement, and which is open to members of the general public, except while actively passing through on the way to another destination. The following locations are excluded from this "actively passing through" exception:

1. Plaza Area: The area surrounding the Arcata Plaza from 8th Street to 9th Street and from G Street to H Street including all outer perimeter sidewalks.

2. Intermodal Transit Facility Area: The area surrounding the Intermodal Transit Facility from the east roadway edge of F Street to the west side of Highway 101 and from 9th Street to 10th Street including the outer sidewalks.

C. Enclosed Public Places. Smoking shall be prohibited in all enclosed public places as defined in Sections 5702(C) and 5702(F).

D. Entrances to Businesses. Smoking shall be prohibited within thirty (30) feet of the entrance to any retail, nonprofit, or service-related business.

E. Multi-Unit Residential Complexes. Smoking shall be prohibited in the following areas located within multi-unit residential complexes:

1. Common areas.

2. Unenclosed, exclusive-use private balconies, porches, decks and patios.

F. Open Windows and Doors. It shall be the responsibility of any person smoking outside to ensure that smoke does not enter any buildings through open windows or doors.

G. Outdoor Sports Areas. Smoking shall be prohibited at outdoor sports areas. For purposes of this ordinance, "outdoor sports areas" means outdoor sports complexes, fields, gymnasiums, swimming pools, roller or ice rinks, skateboard parks, ball parks, basketball courts, tennis courts and other similar places where members of the general public assemble.

H. Places of Employment. Smoking shall be prohibited within places of employment except as specified in Section 5704.

I. Playground Areas. Smoking shall be prohibited within the outer perimeter of all City parks containing playground areas, and on any adjacent sidewalk.

J. Restaurants, Outdoor Areas. Smoking shall be prohibited within restaurants including outdoor areas of restaurants. For purposes of this paragraph, "restaurant" means any eating establishment, organization or club which gives or offers food to the public, guests, patrons or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions, except that the term "restaurant" shall not include bars or taverns.

K. Service Lines. Smoking shall be prohibited in service lines. For purposes of this paragraph, service line means any indoor or outdoor line at which one or more persons are waiting for or receiving service of any kind, including ATM, bank, food or other services whether or not such service involves the exchange of money.

L. Other Outdoor Areas. Smoking shall be prohibited within Bayside Farm, the D Street Linear Park, the Arcata Community Forest, and the Arcata Marsh and Wildlife Sanctuary, including adjacent parking areas, as such areas are defined by reference to maps on file with the City Manager.

M. Special Events. Smoking shall be prohibited at all activities or events held at City parks, building or grounds for which a permit is required pursuant to Section 10006 of this Code.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: March 18, 2015

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1451, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California on the 18th day of March, 2015, by the following vote:

AYES: **WINKLER, PITINO, PEREIRA, WHEETLEY**

NOES: **NONE**

ABSENT: **ORNELAS**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata