

ORDINANCE NO. 1642

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 8 OF THE CHULA VISTA CITY CODE BY ADDING THERETO A NEW CHAPTER 8.22 CONTAINING SECTIONS 8.22.010 THROUGH 8.22.110, AND REPEALING SECTIONS 5.56.020 THROUGH 5.56.050 OF CHAPTER 5.56 ALL RELATING TO THE PROHIBITION AND REGULATION OF SMOKING IN CERTAIN AREAS AND PREMISES IN THE CITY OF CHULA VISTA USED BY OR OPEN TO THE PUBLIC

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Title 8 of the Chula Vista City Code be, and the same is hereby amended by adding thereto a new Chapter 8.22 containing Sections 8.22.010 through 8.22.110 to read as follows:

CHAPTER 8.22 SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES.

Sec. 8.22.010 Smoking Prohibited - Purpose and Intent of Provision.

Because smoking of tobacco, or any other weed or plant, is a positive danger to health and a cause of material annoyance, inconvenience, and discomfort to those who are present in closely confined places where said smoking is undertaken, the City Council declares that it is necessary to protect the public health, safety and welfare by prohibiting the smoking of tobacco, or any other weed or plant, in certain specified areas or premises within the City which are used by or open to the public.

Sec. 8.22.020 Definitions.

"Smoke" or "smoking" as defined in this chapter shall mean and include the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind.

Sec. 8.22.030 Smoking Prohibited in Certain Public Places.

It shall be unlawful for any person to light, ignite or otherwise set fire to, or smoke, carry, throw or deposit any lighted cigar, cigarette, tobacco or other smouldering or smoke producing substance within:

- A. Elevators, museums, galleries, and public transportation facilities within the City.
- B. City buildings - any room or area of any City owned or operated building which is posted with a "No Smoking" sign.

- C. Public meeting places - any room, chamber place of meeting or public assembly wherein public business is being conducted and which is open to members of the general public either as participants or spectators.
- D. Theaters - those portions of any building, structure or other enclosed facility open to the general public for the primary purpose of exhibiting any motion picture, stage production, musical recital, or similar performance, other than in an area which serves as a lobby.
- E. Health care facilities - those areas within the buildings or structures of any health care facility which are open to the general public or visitors to the premises except that there may be enclosed areas designated and set aside on each floor thereof where the prohibitions of this section shall not apply.

Sec. 8.22.040 Exemptions.

Those portions of buildings, structures or other enclosed facility where smoking is prohibited pursuant to subsections D and E of Section 8.22.030 may be exempted from Section 8.22.030 after providing satisfactory proof to the Director of Building and Housing that such facility has a mechanical ventilation system that complies with one of the following:

- A. An outdoor air change of at least twenty-five (25) cubic feet per minute, per occupant, the occupant load to be determined in accordance with Section 3301(d) of the 1973 Uniform Building Code, on file with the Director of Building and Housing; and
- B. A system utilizing filters which achieve eighty percent (80%) efficiency, as described in the National Bureau of Standards dust spot method, or other equipment which is equally effective. Such system shall have sufficient capacity to process the air content or the room served every fifteen (15) minutes or less.

Sec. 8.22.050 Sign Posting Required.

The person having authority to manage and control any area designated in Section 8.22.030 of this Code wherein the described prohibition applies shall post or cause to be posted and prominently displayed and shall maintain signs which read:

NO SMOKING

Chula Vista City Code Section 8.22.030

in conspicuous locations within said areas upon no less than two separate walls or columns in each such area. Said signs shall be posted not less than five (5) feet nor more than eight (8) feet above floor level and shall be located to cause the message on at least one of said signs to be clearly visible, legible and readable at all times from any part of said area.

Sec. 8.22.060 Optional Prohibition.

Any person having the authority to manage and control any commercial establishment in this City may, at their discretion, post the signs described in Section 8.22.050 in the manner described in said section. Upon the posting of such signs in the prescribed manner, the prohibitions and penalties for violations of this chapter shall be in full force and effect.

Sec. 8.22.070 Governmental Agency Cooperation.

The City Manager shall annually request such governmental and educational agencies involved with their specific business within the City of Chula Vista to establish local operating procedures to cooperate and comply with this chapter. In federal, state, county and special school districts within the City of Chula Vista, the City Manager shall urge enforcement of their existing no-smoking prohibitions and request cooperation with this chapter.

Sec. 8.22.080 Enforcement and Appeal.

A. The City Manager shall be responsible for compliance with this chapter when facilities which are owned, operated or leased by the City of Chula Vista are involved. The City Manager shall provide business license applicants with copies of this chapter.

B. The owner, operator or manager of any facility, business or agency shall comply with this chapter as a requirement of receiving a business license to operate in the City of Chula Vista. Such owner, operator or manager shall post or cause to be posted all "No Smoking" signs required by this chapter.

Sec. 8.22.090 Violations and Penalties.

Any person who violates any provision of this chapter by smoking in a posted "No Smoking" area, or by failing to post or cause to be posted a "No Smoking" sign required by this chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Sec. 8.22.100 Education for No-Smoking Program.

The City Manager will direct the Environmental Review Coordinator to prepare an annual program of educational activities emphasizing the social ramifications as well as the health-degrading aspects of smoking. The City Manager will work with the County of San Diego through the County Administrator and Director of Public Health to assure county-wide educational and legislative programs discouraging the harmful practice of smoking.

Sec. 8.22.110 Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect


without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

SECTION II: That the City is directed to make reasonable efforts to inform the businessmen of this City of the requirements of this ordinance.

SECTION III: That Sections 5.56.020 through 5.56.050 of the Chula Vista City Code be, and the same are hereby repealed.

SECTION IV: This ordinance shall take effect and be in full force on the thirty-first day from and after its passage and approval, provided, however, that the provisions as contained in Section I of this ordinance shall become operative sixty days from and after the effective date of this ordinance and those sections repealed by Section III shall be repealed sixty days from and after the effective date of this ordinance.

Presented by and Approved as to Form by


George B. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA, this 16th day of September,
1975, by the following vote, to-wit:

AYES: Councilmen Scott, Hamilton, Hyde, Egdahl
NAYES: Councilmen None
ABSENT: Councilmen None
ABSTAIN: Councilman Hobel

Thomas D. Hamilton Jr.

Mayor of the City of Chula Vista

ATTEST

Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, City Clerk of the City of Chula Vista,
California, DO HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of _____ and
that the same has not been amended or repealed.

DATED _____

(SEAL)

City Clerk