

ORDINANCE NO. 3409

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTION 8.22.030 TO
CLARIFY THAT SMOKING IS PROHIBITED IN ALL CITY
PARKS

WHEREAS, the smoking of tobacco, or any other weed or plant, is a danger to public health; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard by the U.S. Surgeon General, California Air Resources Board, and California Environmental Protection Agency; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke occurs at significant levels outdoors; and

WHEREAS, Chula Vista Municipal Code chapter 8.22 regulates smoking in public places and places of employment; and

WHEREAS, Chula Vista Municipal Code section 8.22.030 currently contains an internal contradiction wherein sub-sections (D) through (E) prohibit persons from smoking in specific City parks, but sub-section (G) exempts those same City parks from said prohibition; and

WHEREAS, it is in the best interests of the City to amend Chula Vista Municipal Code section 8.22.030 to correct the internal contradiction and clarify that smoking is prohibited in all City parks.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION I

A. Chapter 8, Section 8.22.030 of the Chula Vista Municipal Code regarding the prohibitions on smoking in City parks is amended to read as follows:

8.22.030 Prohibitions.

A. No person shall smoke in a public place or place of employment, except in designated smoking areas.

B. No person shall smoke in the dining area of any restaurant or establishment where people eat, including outdoor patios, outdoor bars that serve food, or any covered eating area.

C. No person shall smoke within 50 feet of any entrance to any restaurant or establishment where people eat.

D. No person shall smoke in any portion of any City park.

SECTION II Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

SECTION III Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION IV Effective Date

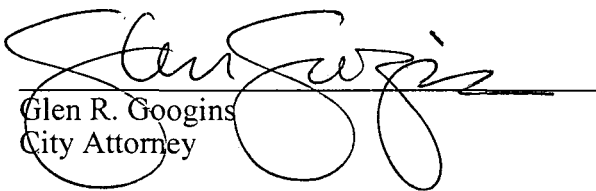
This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

SECTION V Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by


Glen R. Googins
City Attorney

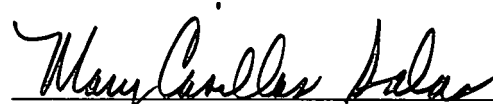

Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 15th day of August 2017, by the following vote:

AYES: Councilmembers: Aguilar, Diaz, McCann, and Salas

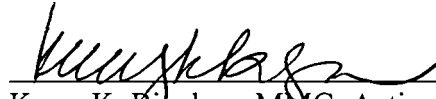
NAYS: Councilmembers: None

ABSENT: Councilmembers: Padilla



Mary Salas, Mayor

ATTEST:

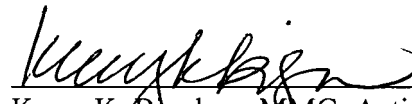


Kerry K. Bigelow, MMC, Acting City Clerk

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

I, Kerry K. Bigelow, Acting City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3409 had its first reading at a regular meeting held on the 8th day of August 2017 and its second reading and adoption at a regular meeting of said City Council held on the 15th day of August 2017; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

August 22, 2017
Dated



Kerry K. Bigelow, MMC, Acting City Clerk