

3. Meeting, conference and banquet rooms in convention centers, hotels, motels or other transient lodging establishments.

4. Libraries, museums and galleries.

5. Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' and dentists' offices.

6. Common areas of apartments, condominiums and other multi-unit residential complexes, including without limitation stairways, hallways, and within 20 feet of any individual unit entrance, whether or not such common area is enclosed.

7. Childcare facilities as defined in the California Health and Safety Code and private residences while used as a family day care home.

E. Smoking. "Smoking" means the burning or carrying of any lighted cigar, cigarette, weed, plant or other combustible substance that is intended to be inhaled or exhaled. Without limiting the foregoing, this definition intentionally excludes the burning of incense, candles and other similar materials.

SEC. 5703. Smoking Prohibitions.

A. City Buildings and Facilities. Smoking shall be prohibited within an area measured twenty feet from any exterior wall or façade surrounding all City buildings and facilities.

B. Enclosed Public Places. Smoking shall be prohibited in all enclosed public places. This prohibition shall apply without limitation to public places as defined in Section 5702(D)(6) pertaining to common areas of apartments, condominiums and other multi-unit residential complexes, including without limitation stairways, hallways, and within 20 feet of any individual unit entrance, whether or not such common area is enclosed.

C. Entrances and Sidewalks. Any retail, non-profit or service-related business owner may choose to prohibit smoking within twenty feet of the entrance to said business and/or along the sidewalk adjacent to the building façade in which said business is located. Such prohibition shall exist when the business owner, manager or person having legal control thereof conspicuously posts no smoking signs. Said signs shall reference this Ordinance and contain language similar to the following: "No smoking within twenty feet of the entrance and/or building, pursuant to AMC Section 5703(C)." When posted in accordance with this provision, smoking shall be prohibited except for those persons who are passing on their way to another destination.

D. 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.

E. 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, ballparks and other similar places where members of the general public assemble.

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

G. Playground Equipment. Smoking shall be prohibited within an area measured twenty feet from any piece of children's playground equipment, and any appurtenant structure or facility such as benches and drinking fountains, located within a City park.

H. The Plaza. Smoking shall be prohibited within the Arcata Plaza. For purposes of this paragraph, the "Arcata Plaza," or "Plaza," means that area located in Arcata and bordered by Eighth Street to the south, Ninth Street to the north, H Street to the west and G Street to the east. The Plaza extends through and includes all sidewalks adjacent to the Plaza lawn areas to the curb of the streets specified herein.

I. 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.

J. 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.

SEC. 5706. Enforcement.

A. Enforcement of this chapter shall be implemented by the Chief of Police.

B. No employer shall knowingly or intentionally permit smoking in an enclosed space at a place of employment.


C. No person shall engage in smoking in an enclosed public space, an enclosed space at a place of employment, or in any other place regulated by this ordinance.

Section 2: This ordinance will take effect thirty (30) days after the date of its adoption.

Dated: May 19, 1999

ATTEST:

APPROVED:



City Clerk, City of Arcata



Mayor, City of Arcata