
C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
MAY 16, 1990

SUBJECT: CONSIDERATION OF DRAFT SMOKING ORDINANCES

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of the attached **draft** smoking ordinances .

BACKGROUND INFORMATION: At the "**shirtsleeve**" session of April 10, 1990, two of the attached three draft ordinances for the regulation of smoking in public places were presented to the Council. Both regulated smoking in **certain** designated public places and places of employment, with Option 1 being the more stringent version. At that time, **it** was directed that the proposed ordinances be returned to the Council at a regular meeting for consideration and possible adoption.

Based on Council input since that time, a third option has been drafted. This version would be the most stringent of all, and would be an absolute prohibition of smoking in specified public places, with no provisions for designating portions of restaurants, waiting rooms, etc. as "**smoking**" areas.

All options now contain the same set of findings for consistency sake. Options Nos. 1 and 3 specify that the Fire Marshal shall be the official responsible for enforcement of the smoking ordinance. This is consistent with most other jurisdictions which have smoking ordinances.

A brief synopsis of each of the proposed ordinances might be useful.

OPTION 1.

This option would apply to any employer having one or more employees [Section .030(5)], and gives the employer 60 days in which to adopt a smoking policy. [Section .050(B)]. It further allows any employee to designate his or her workspace "**smoke free**".

This version of the ordinance requires that at least 50% or more of all seating in such places as restaurants, waiting rooms, etc. be designated nonsmoking. It is an infraction punishable by a maximum fine of \$500. There are **no** waivers or exemptions provided for deviation from the requirements of the ordinance.

OPTION 2.

This version applies to all employers having 5 or more employees, excluding owners [Section .020(F)] and allows the employer 90 days in which to adopt a smoking policy [.040(C)]. The stated goal of the ordinance is to provide for a "reasonable balance" between the rights of smokers and nonsmokers.

It would not apply to restaurants having less than 1,000 square feet of customer seating [Section .020(J) and otherwise provides for nonsmoking areas, with a minimum of 50% of the square footage to be designated nonsmoking.

Although it is an infraction also, it does not specify fines nor designate an official to enforce the ordinance. It provides for waivers under "unusual circumstances" such as financial hardship or structural infeasibility [.080].

OPTION 3.

This is similar to Option 1 in all respects, except that it does not allow for the designation of set aside areas within facilities to be deemed "smoking" areas. It generally prohibits smoking in all "public places" as defined. The only difference in this version is that it allows owners to set aside smoking areas in employee lounges for use by employees, as long as such area is separated from places in which the public may be present, by walls and doors through which smoke cannot easily pass.

None of the ordinances would require employers or business owners to make structural changes to implement the proposed ordinances.

Respectfully submitted,



BOB McNATT

City Attorney

DRAFT 2

ORDINANCE NO. 1488

OPTION 1

AN ORDINANCE OF THE LODI CITY COUNCIL
REGULATING OR PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES
AND IN PLACES OF EMPLOYMENT

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 8 - Health ,and Safety - is hereby amended by adding a new Chapter 8.16 regarding the regulation of smoking, as follows:

- SEC. 8.16.010 Title
- SEC. 8.16.020 Findings and Purpose
- SEC. 8.16.030 Definitions
- SEC. 8.16.040 Prohibition of Smoking in Public Places
- SEC. 8.16.050 Regulation of Smoking in Places of Employment
- SEC. 8.16.060 Where Smoking Not Regulated
- SEC. 8.16.070 Posting of Signs
- SEC. 8.16.080 Enforcement
- SEC. 8.16.090 Violations and Penalties
- SEC. 8.16.100 Non-retaliation
- SEC. 8.16.110 Governmental Agency Cooperation
- SEC. 8.16.120 Other Applicable laws
- SEC. 8.16.130 Severability
- SEC. 8.16.140 Effective Date

Sec. 8.16.010 TITLE.

This chapter shall be known as the Smoking Pollution Control Ordinance.

Sec. 8.16.020 FINDINGS AND PURPOSE.

The Lodi City Council hereby finds that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

Reliable studies have shown that breathing second-hand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing second-hand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking on public places and places of employment.

Smoking is a documented **cause** of fires; and **cigarette and cigar** burns and ash stains on **merchandise and fixtures cause economic losses to businesses.**

Accordingly, the City Council **finds and declares that the** purposes of this ordinance are **1) to protect the public health and welfare by prohibiting smoking in public places except in designated smoking areas; and by regulating smoking in places of employment; and 2) to strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority.**

Sec. 8.16.030 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

1. "Bar" means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

2. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

3. "Dining Area" means any enclosed area containing a counter or tables upon which meals are served.
4. "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.
5. "Employer" means any person, partnership, corporation, or nonprofit entity, including a municipal corporation, who employs the services of one or more persons.
6. "Enclosed" means closed in by roof and four walls with appropriate openings for ingress and egress.
7. "Nonprofit Entity" means any corporation, unincorporated association, or other entity created for charitable, educational, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a "nonprofit entity" within the meaning of this section.
8. "Place of Employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, and

restrooms, conference and class rooms, cafeterias and hallways. **Except:**

- a. **A private residence is not a place of employment, unless it is used as a child care or a health care facility.**
 - b. The dining area of a restaurant is not a "place of employment"
9. "Public Place" means any enclosed area **to which the public is** invited or in which the public is permitted, including, but not limited to: banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms.
10. "Restaurant" means any coffee shop, cafeteria, tavern, sandwich stand, soda fountain, private or public school cafeteria, and any other eating establishment, Organization, club, boardinghouse, or guesthouse, which gives or offers food for sale to the public, guests, patrons, or employees, except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "bar" as defined in Section 8.16.030 (1).

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11. "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories.
 12. "Service Line" means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service includes the exchange of money.
 13. "Smoking" means inhaling, exhaling, burning, or carrying any lighted pipe, cigar, or cigarette of any kind.
 14. "Sports Arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition, or witness sports events.

Sec. 8.16.040 PROHIBITION OF SMOKING IN PUBLIC PLACES.

- A. Smoking shall be prohibited in all enclosed public places within the City, including, but not limited to the following places:
 1. Elevators and restrooms .
 2. Buses, taxicabs and other means of public transit under the authority of the City, and in ticket, boarding, and waiting areas of public transit depots; provided, however, that this prohibition does not prevent (a) the establishment of separate waiting areas for smokers and nonsmokers, of equal size or

(b) the establishment of a maximum of 50% of a given waiting area as smoking area.

3. Service lines .

4. Retail stores, **except** areas in said stores **not** open to the public and all **areas** within retail tobacco stores.

5. Retail food marketing establishments, including grocery stores and supermarkets, except those areas of such establishments set aside for the purpose of serving of food and drink, restrooms and offices, and areas thereof not open to the public, which may be otherwise regulated by this chapter.

6. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, business offices, banks, hotels and motels.

7. Restaurants, provided, however, that this prohibition does not prevent (a) the designation of a contiguous area within a restaurant that contains a maximum of 50% of the seating capacity of the restaurant as a smoking area, or (b) providing separate rooms designated as smoking rooms, so long as said rooms do not contain more than 50% of the seating capacity of the restaurant.

8. Any building not open to the sky which is used primarily as a museum or for exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of any such production, provided however, that this prohibition does not prevent the designation of a contiguous area containing a maximum of fifty percent (50%) of a lobby as a smoking area.
9. Enclosed sports arenas and convention halls, except in designated smoking areas.
10. Every room, chamber, and place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, or agencies of the City or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City.
11. Doctors' offices, dentists' offices, waiting rooms, hallways, wards, and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, and physical therapy facilities. In bed space areas of health facilities used for two or more patients, smoking shall be prohibited unless all patients within the room are smokers and request in writing upon the health care facility's admission forms to be placed in a room where smoking is permitted.

12. Polling Places.

- B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

Sec. 8.16.050 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT.

- A. It shall be the responsibility of employers to provide smoke-free areas for nonsmoking employees within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.
- B. Within 60 days of the effective date of this chapter, each employer and each place of employment located within the City shall adopt, implement, make known and maintain a written smoking policy, which shall contain at a minimum the following requirements:
1. Any employee in a place of employment shall have the right to designate his or her work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer.
 2. Prohibition of smoking in auditoriums, classrooms, conference and meeting rooms, elevators, hallways, medical facilities, and restrooms.

3. Provision and maintenance of separate and contiguous nonsmoking areas of not less than fifty percent of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges or provision and maintenance of separate and equal-sized cafeterias, lunchrooms and employee lounges for smokers and nonsmokers.
 4. In any dispute arising under this smoking policy, the health concerns of the nonsmoker shall be given precedence.
- C. The smoking policy shall be communicated to all employees within three weeks of its adoption.
 - D. All employers shall supply a written copy of the smoking policy to any prospective employee.
 - E. Notwithstanding any other provisions of this section, every employer shall have the right to designate any place of employment, or any portion thereof, as a nonsmoking area.

Sec. 8.16.060 WHERE SMOKING NOT REGULATED.

- A. Notwithstanding any other provisions of this Ordinance to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- 1. Bars.
- 2. Private residences, except when used as a child care or a health care facility.
- 3. Hotel and motel rooms rented to guests.
- 4. Retail tobacco stores.
- 5. Restaurant, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions.
- 6. A private enclosed place occupied exclusively by smokers, even though such a place may be visited by nonsmokers.

B. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this section may declare that entire establishment, or any portion thereof, as a nonsmoking establishment.

Sec. 8.16.070 POSTING OF SIGNS.

A. "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than 1" in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across

it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is controlled **by** this chapter, **by** the owner, operator, manager or other person having control of such building or other place.

- B. Every theater owner, manager or operator shall conspicuously post signs in the **lobby** stating that smoking is prohibited within the theater or auditorium, and **in** the case of motion picture theaters, such information shall be shown **upon** the screen for at least five seconds prior to the showing of each feature motion picture.
- C. Every restaurant shall have posted at every entrance a sign clearly stating that a nonsmoking section is available and the size of that section. Every patron shall be asked as to his or her preference by the **host** or hostess (if one is on duty). A person taking reservations for a restaurant shall likewise ask if there is a nonsmoking or smoking preference.

Sec. 8.16.080 ENFORCEMENT.

- A. Enforcement shall be implemented by the Fire Marshal.
- B. Any citizen **who** desires to register a complaint hereunder may initiate enforcement with the Fire Marshal.

- C. Any owner, manager, operator or employer of any establishment controlled by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions thereof.
- D. Notwithstanding any other provisions of this chapter, a private citizen may bring legal action to enforce this chapter.

Sec. 8.16.090 VIOLATIONS AND PENALTIES.

- A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the regulation under this chapter to fail to comply with its provisions. The owner, manager or operator of a restaurant shall not be deemed in violation of Sec. 8.16.070 (C) if the host or hostess of the restaurant fails to ask the seating preference of patrons, but shall be deemed in violation thereof if the restaurant has no stated policy requiring that patrons be asked their preference.
- B. It shall be unlawful for any person to smoke in any area restricted by the provisions of this chapter.
- C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

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1. A fine, not exceeding \$100, for first violation;
 2. A fine, not exceeding \$200, for a second violation of this chapter within 1 year;
 3. A fine, not exceeding \$500, for each additional violation of this chapter within 1 year;

Sec. 8.16.100 NON-RETALIATION.

No person or employer shall discharge, refuse to hire, or in any manner, retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter.

Sec. 8.16.110 GOVERNMENTAL AGENCY COOPERATION.

The City Manager shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. The City Manager shall urge Federal, State, County and special school district agencies to enforce their existing smoking control regulations and to comply voluntarily with this chapter.

Sec. 8.16.120 OTHER APPLICABLE LAWS.

This chapter shall not **be** interpreted or construed to permit smoking where it is otherwise restricted by other applicable **laws**.

Sec. 8.16.130 SEVERABILITY.

If any provision or clause **of** this Ordinance or the application thereof to any person or circumstances held to be unconstitutional or to be otherwise invalid **by** any court of competent jurisdiction, such invalidity shall not affect other Ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses **of** this Ordinance are declared to be severable.

Sec. 8.16.140 EFFECTIVE DATE.

This chapter shall be in force and take effect thirty (30) days **from** and after its passage **and** approval.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi.

Approved this day of

JOHN R. SNIDER
Mayor

Attest:

ALICE M. REIMCHE
City Clerk



State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance **No.1488** was introduced at a regular meeting of the City Council of the City of Lodi held **May 16, 1990** and **was** thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

- Ayes: Council Members -
- Noes: Council Members -
- Absent: Council Members -
- Abstain: Council Members -

I further certify that Ordinance **No. 1488** was approved and **signed** by the Mayor on the date of its passage and the **same has** been published pursuant to **law**.

ALICE M. REIMCHE
City Clerk

Approved as to Form:

BOBBY W. McNATT
City Attorney

ORDSMOK1/TXTA.01V

AN ORDINANCE OF THE LODI CITY COUNCIL
REGULATING OR PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES AND IN
PLACES OF EMPLOYMENT.

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

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SEC. **8.16.010** Findings and Purpose.

SEC. **8.16.020** Definitions,

SEC. **8.16.030** Regulation of smoking.

SEC. **8.16.040** Regulation of smoking in places of employment.

SEC. **8.16.050** Ability to declare any area as no smoking.

SEC. **8.16.060** Posting of signs.

SEC. **8.16.070** Violations and penalties.

SEC. **8.16.080** Exemptions.

SEC. **8.16.090** Other applicable laws.

Sec. 8.16.010 FINDINGS AND PURPOSE.

The Lodi City Council hereby finds that:

Numerous studies have found that tobacco **smoke** is a major contributor to indoor air pollution; and

Reliable studies have shown that breathing second-hand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and

individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing second-hand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking on public places and places of employment.

Smoking is a documented cause of fires; and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to businesses.

Accordingly, the City Council finds and declares that the purposes of this ordinance are 1) to protect the public health and welfare by prohibiting smoking in public places except in designated smoking areas; and by regulating smoking in places of employment; and 2) to strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority.

Sec. 8.16.020 DEFINITIONS.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. "Bar" means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving **of food** is only incidental to the consumption **of** such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

- 5. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profitmaking purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are provided.

- C. "Customer service area" means any enclosed area of any business or public place covered hereunder to which customers or members of the public have access, including, but not limited to, hallways, waiting areas, lobbies or portions of a dining area not occupied by counters or tables.

- D. "Dining area" means any enclosed area containing a counter and/or tables upon which food is served.

- E. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.
- F. "Employer" means any person, partnership, firm or corporation, including a municipal corporation or nonprofit entity, who employs the services of five or more individual persons, exclusive of owners, partners, corporate officers or persons averaging fewer than twenty work-hours per week.
- G. "Nonprofit entity" means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character-building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this section.
- H. "Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and restrooms, conference and classrooms, employees' cafeterias, hallways, and employer-furnished high-occupancy motor vehicles. "Place of employment" shall not include:

1. A private residence, unless it is used as a licensed child care or health facility; or
2. The dining area of a restaurant.

I, "Public place" means any enclosed area to which the public is invited or permitted, including but not limited to:

1. Banks;
2. Educational facilities;
3. Shopping malls ;
4. Health facilities, including waiting rooms, hallways, wards, and semiprivate rooms of hospitals, clinics, physical therapy facilities; doctor's and dentist's offices;
5. Public transportation facilities including buses, taxicabs and other means of public transit under the jurisdiction of the City as well as enclosed ticket, boarding and waiting areas of public transit depots;
6. Reception areas, customer service areas, waiting rooms and lobbies, including theater lobbies ;
7. Service lines ;
8. Restaurants;
9. Retail food production and marketing establishments;
10. Retail service establishments;
11. Retail stores;
12. Theaters which are enclosed;
13. All areas available to and customarily used by the general public in professional offices and buildings;
14. Restrooms;

15. Elevators;
16. Public places of exhibition such as galleries, libraries and museums;
17. Enclosed sports facilities;
18. Convention halls;
19. Every room, chamber, place of meeting or public assembly including school buildings which are under the control of any board, council, commission, committee, including joint committees or agencies of the City or any political subdivision of the State during such time as a public meeting is in progress, to the extent that such place is subject to the jurisdiction of the City;
20. Meetings to which the general public is invited; and
21. Polling places.

"Public place" shall not include a private residence unless it is used as a licensed child care or health care facility.

3. "Restaurant" means any enclosed coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private or public school cafeteria or eating establishment, and any other eating establishment, including any organization, club (including veterans' club), boardinghouse or guest house which gives or offers for sale food to the public, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. "Restaurant"

shall not include any of the foregoing which have an aggregate dining area and customer service area having a gross floor area of less than one thousand square feet nor shall it include a cocktail lounge or tavern if the cocktail lounge or tavern is a "bar" as defined in subsection A of this section.

- K. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- L. "Service line" means any indoor line at which one or more persons are waiting for or receiving services of any kind, whether or not such service involves the exchange of money.
- M. "Smoking" means inhaling, exhaling, burning or carrying any lighted pipe, cigar, or cigarette of any kind.
- N. "Sports facility" means enclosed sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.
- O. "Theater" means any indoor auditorium, arena or other similar type structure which is used for the exhibition of motion pictures, plays, concerts, lectures or other similar situations in which an audience comes to view some type of performance.

Sec. 8.16.030 REGULATION OF SMOKING

A. Except as provided below, smoking shall be prohibited in the following places:

1. Public places as defined in subsection I of Section 8.16.020;
2. Elevators, whether or not open to the public; and
3. Restrooms, whether or not open to the public.

B. Notwithstanding any other provision of this chapter, smoking shall be allowed in the following places:

1. Bars;
2. Retail tobacco stores;
3. Private residences, except when used as a licensed child care or health care facility;
4. Hotel and motel rooms; however, nothing herein prohibits the designation of certain rooms as "no-smoking" rooms;
5. Restaurant, hotel, motel, conference or other meeting rooms and public and private assembly rooms, when these places are being used for private functions; however, nothing herein prevents persons or entities in charge of such private functions from declaring the room or a designated portion thereof to be a "no-smoking" room for the duration of the private use;
6. In designated areas of reception areas, customer service areas, waiting rooms and lobbies, provided that:
 - a. Separate waiting areas of equal size have been established for smokers and nonsmokers, or

- b. At least fifty percent of such an area has been designated as "no smoking";
7. Bed space areas of semiprivate rooms of health facilities where all patients within the room are smokers and request in writing upon the health care facility's admission form to be placed in a room where smoking is permitted;
- a. In designated areas of restaurants, provided that:
 - a. A contiguous area containing at least fifty percent of the eating capacity has been designated as "no smoking", or
 - b. Separate rooms are provided for smokers and nonsmokers so long as the rooms designated for smoking do not contain more than fifty percent of the total seating capacity of the restaurant, or in any restaurant which has an aggregate dining area and customer service area of less than one thousand square feet;
9. In designated smoking areas in any other public place that is separate from the main place and will not infringe on the rights of nonsmokers who have come to use a public place for its primary purpose; and
10. In any bank, shopping mall, retail food production and marketing establishment, retail service establishment or retail store having a customer service area of less than one thousand square feet of gross floor area.

Sec. 8.16.040 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT.

- A. Smoking shall be regulated in all places of employment in the City.
- B. It shall be the responsibility of employees to provide smoke-free areas for nonsmoking employees within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.
- C. Every employer subject hereto and located within the City shall, within ninety days of the effective date of the ordinance codified in this chapter adopt, implement, make known, and maintain a written smoking policy which shall:
1. Regulate smoking in all places of employment as provided for in Section **8.16.040** above;
 2. Prohibit smoking in auditoriums, classrooms, conference and meeting rooms, elevators, medical facilities and restrooms;
 3. Regulate smoking in all places of employment not covered in Section 8.16.040 above, including but not limited to:
 - a. Hallways and passageways,
 - b. Lunchrooms, cafeterias, and employee lounges. At least fifty percent of the seating capacity and floor space areas must be designated as nonsmoking areas, or separate areas of equal size must be provided and maintained for smokers and nonsmokers,

- c. Copy and storage rooms,
- d. Conference meeting rooms and/or classrooms,
- e. Private office spaces and individual work stations.

An employee shall be allowed to smoke in his/her private office and/or individual workstation if, in the employer's sole reasonable judgment, other employees will not be adversely affected thereby, and

- f. Computer rooms;
- 4. Be formulated and adopted by each employer according to their own procedures;
 - 5. Be posted on bulletin boards and in break areas;
 - 6. Provide a reasonable balance between the needs of persons who smoke and the need of nonsmokers to breathe smoke-free air.

D. All employers shall provide a copy of the smoking policy upon request to any prospective or present employee.

Sec. 8.16.050 ABILITY TO DECLARE ANY AREA AS "NO SMOKING".

Notwithstanding any other provision of this chapter, nothing herein prohibits any owner, employer, operator, manager, association, common interest development, or other person who controls any place, whether regulated by this chapter or not, from declaring that entire place as a "no-smoking" area.

Sec. 8.16.060 POSTING OF SIGNS.

A. "Smoking" or "No Smoking" signs, whichever is appropriate, shall be clearly, sufficiently and conspicuously posted in every building or

other place where smoking is regulated by this chapter by the owner, operator, manager or other person having control of such building or other places. Such signs shall have letters of not less than one inch in height and/or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) not less than three inches in diameter.

- B. Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium.
- C. Every restaurant shall have posted at every public entrance a conspicuous sign clearly stating the smoking policy of the establishment.

Sec. 8.16.070 VIOLATIONS AND PENALTIES.

- A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.
- B. It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.
- C. Any person who violates any provision of this chapter shall be guilty of an infraction.

Sec. 8.16.080 EXEMPTIONS.

- A. Any owner, operator or manager of a business or other establishment subject to this chapter may apply to the City for an exemption to any provision hereof due to unusual circumstances or conditions. Exemptions may be granted on a showing of financial impracticability or physical/structural infeasibility.
- B. Such exemption may be granted only if the City Manager finds from the evidence presented by the applicant that it is financially impracticable or physically/structurally infeasible to comply with this chapter.

Sec. 8.16.090 OTHER APPLICABLE LAWS.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted or prohibited by other applicable laws.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

JOHN R. SNIDER
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1488 was introduced at a regular meeting of the City Council of the City of Lodi held May 16, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1488 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORDSMOK2/TXTA.01V

DRAFT /

ORDINANCE NO. 1488

OPTION 3

AN ORDINANCE OF THE LODI CITY COUNCIL
REGULATING OR PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES
AND IN PLACES OF EMPLOYMENT

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 8 - Health and Safety - is hereby amended by adding a new Chapter 8.16 regarding the regulation of smoking, as follows:

- SEC. 8.16.010 Title.
- SEC. 8.16.020 Findings and Purpose
- SEC. 8.15.030 Definitions
- SEC. 8.16.040 Prohibition of Smoking in Public Places
- SEC. 8.16.050 Regulation of Smoking in Places of Employment
- SEC. 8.16.060 Where Smoking Not Regulated
- SEC. 8.16.070 Posting of Signs
- SEC. 8.16.080 Enforcement
- SEC. 8.16.090 Violations and Penalties
- SEC. 8.16.100 Non-retaliation
- SEC. 8.16.110 Governmental Agency Cooperation
- SEC. 8.16.120 Other Applicable Laws
- SEC. 8.16.130 Severability
- SEC. 8.16.140 Effective Date

Sec. 8.16.010 TITLE.

This chapter shall be known as the Smoking Pollution Control Ordinance.

Sec. 8.16.020 FINDINGS AND PURPOSE.

The Lodi City Council hereby finds that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

Reliable studies have shown that breathing second-hand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing second-hand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking on public places and places of employment.

Smoking is a documented cause of fires; and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to businesses.

Accordingly, the City Council finds and declares that the purposes of this ordinance are 1) to protect the public health and welfare by prohibiting smoking in specified public places by regulating smoking in places of employment; and 2) to strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority.

See. 8.16.030 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

1. "Bar" means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

2. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

3. "Dining Area" means any enclosed area containing a counter or tables upon which meals are served.
4. "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.
5. "Employer" means any person, partnership, corporation, or nonprofit entity, including a municipal corporation, who employs the services of one or more persons.
6. "Enclosed" means closed in by roof and four walls with appropriate openings for ingress and egress.
7. "Nonprofit Entity" means any corporation, unincorporated association, or other entity created for charitable, educational, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a "nonprofit entity" within the meaning of this section.
8. "Place of Employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, and

restrooms, conference and class rooms, cafeterias and hallways. Except:

a. A private residence is not a place of employment, unless it is used as a child care or a health care facility.

b. The dining area of a restaurant is not a "place of employment".

9. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to: banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms.

10. "Restaurant" means any coffee shop, cafeteria, tavern, sandwich stand, soda fountain, private or public school cafeteria, and any other eating establishment, organization, club, boardinghouse, or guesthouse, which gives or offers food for sale to the public, guests, patrons, or employees, except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "bar" as defined in Section 8.16.030 (1).

11. "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories.
12. "Service Line" means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service includes the exchange of money.
13. "Smoking" means inhaling, exhaling, burning, or carrying any lighted pipe, cigar, or cigarette of any kind.
14. "Sports Arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition, or witness sports events.

Sec. 8.16.040' PROHIBITION OF SMOKING IN PUBLIC PLACES.

- A. Smoking shall be prohibited in all enclosed public places within the City, including, but not limited to the following places:
 1. Elevators and restrooms.
 2. Buses, taxicabs and other means of public transit under the authority of the City, and in ticket, boarding, and waiting areas of public transit depots.
 3. Service lines.

4. Retail stores, except areas in said stores not open to the public and all areas within retail tobacco stores.
5. Retail food marketing establishments, including grocery stores and supermarkets, except those areas not open to the public, which may be otherwise regulated by this chapter.
6. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, business offices, banks, hotels and motels.
7. Restaurants.
8. Any building not open to the sky which is used primarily as a museum or for exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of any such production.
9. Enclosed sports arenas and convention halls.
10. Every room, chamber, and place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, or agencies of the City or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City.

11. Doctors' offices, dentists' offices, waiting rooms, hallways, wards, and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, and physical therapy facilities. In bed space areas of health facilities used for two or more patients, smoking shall be prohibited unless all patients within the room are smokers and request in writing upon the health care facility's admission forms to be placed in a room where smoking is permitted.

12. Polling Places.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. Further, provided that notwithstanding this chapter, the owner or person who controls such establishment may, but is not required to set aside in any facility described in this section, a separate room with walls and doors reasonably impermeable to tobacco smoke for use as an employee lounge or break room.

Sec. 8.16.050 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT.

A. It shall be the responsibility of employers to provide smoke-free areas for nonsmoking employees within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

B. Within 60 days of the effective date of this chapter, each employer and each place of employment located within the City shall adopt, implement, make known and maintain a written smoking policy, which shall contain at a minimum the following requirements:

1. Any employee in a place of employment shall have the right to designate his or her work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer.
2. Prohibition of smoking in auditoriums, classrooms, conference and meeting rooms, elevators, hallways, medical facilities, and restrooms.
3. Provision and maintenance of separate and contiguous nonsmoking areas of not less than fifty percent of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges or provision and maintenance of separate and equal-sized cafeterias, lunchrooms and employee lounges for smokers and nonsmokers.

4. In any dispute arising under this smoking policy, the health concerns of the nonsmoker shall be given precedence.
- C. The smoking policy shall be communicated to all employees within three weeks of its adoption.
- D. All employers shall supply a written copy of the smoking policy to any prospective employee.
- E. Notwithstanding any other provisions of this section, every employer shall have the right to designate any place of employment, or any portion thereof, as a nonsmoking area.

Sec. 8.16.060 WHERE SMOKING NOT REGULATED.

- A. Notwithstanding any other provisions of this Ordinance to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:
1. Bars.
 2. Private residences, except when used as a child care or a health care facility.
 3. Hotel and motel rooms rented to guests.
 4. Retail tobacco stores.

5. Restaurant, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions.

6. A private enclosed place occupied exclusively by smokers, even though such a place may be visited by nonsmokers.

B. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this section may declare that entire establishment, or any portion thereof, as a nonsmoking establishment.

Sec. 8.16.070 POSTING OF SIGNS.

A. "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than 1" in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other place.

B. Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the

theater or auditorium, and in the case of motion picture theaters, such information shall be shown upon the screen for at least five seconds prior to the showing of each feature motion picture.

Sec. 8.16.080 ENFORCEMENT.

- A. Enforcement shall be implemented by the Fire Marshal.
- B. Any citizen who desires to register a complaint hereunder may initiate enforcement with the Fire Marshal.
- C. Any owner, manager, operator or employer of any establishment controlled by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions thereof.
- D. Notwithstanding any other provisions of this chapter, a private citizen may bring legal action to enforce this chapter.

Sec. 8.16.090 VIOLATIONS AND PENALTIES.

- A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the regulation under this chapter to fail to comply with its provisions.

B. It shall be unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine, not exceeding \$100, for first violation;

2. A fine, not exceeding \$200, for a second violation of this chapter within 1 year;

3. A fine, not exceeding \$500, for each additional violation of this chapter within 1 year;

Sec. 8.16.100 NON-RETALIATION.

No person or employer shall discharge, refuse to hire, or in any manner, retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter.

Sec. 8.16.110 GOVERNMENTAL AGENCY COOPERATION.

The City Manager shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. The City Manager shall urge Federal, State, County and special school district agencies to enforce their existing smoking

control regulations and to comply voluntarily with this chapter.

Sec. 8.16.120 OTHER APPLICABLE LAWS.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 8.16.130 SEVERABILITY.

If any provision or clause of this Ordinance or the application thereof to any person or circumstances held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this Ordinance are declared to be severable.

Sec. 8.16.140 EFFECTIVE DATE.

This chapter shall be in force and take effect thirty (30) days from and after its passage and approval.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi.

Approved this day of

JOHN R. SNIDER
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1488 was introduced at a regular meeting of the City Council of the City of Lodi held May 16, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1488 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1488.(3)/TXTA.01V



5/16
A/C

WILLIAM A. RUDE
Managing Partner
612 E. Kettleman Lane
Lodi, CA 95240
209/334-5493

May 9, 1990

Mr. Randy Snyder and Lodi City Council Members
Call Box 3006
Lodi, CA 95241-1910

RECEIVED
1990 MAY 14 AM 9 21
ALICE M. FEMICHE
CITY CLERK
CITY OF LODI

Dear Mr. Snyder and Honorable Council Members:

It has come to my attention that the Council will soon be meeting to discuss, among other matters, the issue of banning smoking from public buildings, more specifically, restaurants. I, for one, as an eleven year resident and business man in Lodi, would more than welcome such an action.

During the last decade, Carrows has evolved from a restaurant with 5% non-smoking to its now 70%, and has suffered no ill effects business wise. As a matter of fact, we now enjoy well in excess of 1.5 million dollars in sales annually.

My concern, however, is the remaining smoking section which we are obliged to keep strictly for competitive reasons. I would like to bring to your attention, issues that do not have to do with those of health. To maintain a smoking section, it requires far greater maintenance, repairs and upkeep by far as well as acceptance of a slower "turnover rate". These points may be minor in comparison to all of *the* well known health issues, but they are noteworthy.

I feel morally wrong in requiring employees to work in a smoke filled room, but frankly have no choice.

Dear Council Members, I would like to strongly encourage you to have the courage, wisdom and foresight to



WILLIAM A. RUDE
Managing Partner
612 E. Kettleman Lane
Lodi, CA 95240
209/334-5493

(page 2)

do now what will, with certainty, happen in the future anyway. Let us make the state and the nation sit up and take note of Lodi, California.

If such a "no smoking" ordinance is enacted, applied evenly, and strictly enforced no business will suffer ill effects. However, many countless individuals may be spared them!

Most sincerely,

A handwritten signature in cursive script that reads "William A. Rude".

William A. Rude
General Manager

cc: David Hinchman
Fred Reid
Evelyn Olson
Jim Pinketton

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor
DAVID M. HINCHMAN
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER : (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

April 24, 1990

Phillip Ross, M.D.
F.A.C.O.G.
A Professional Corporation
755 South Fairmont
Suite 6
Lodi, CA 95240

Dear Dr. Ross:

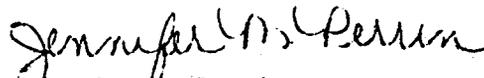
This letter is to inform you that the Smoking Ordinance which was originally scheduled to be on the May 2, 1990 regular City Council meeting has been changed.

The City Attorney will be out of town at the League of California Cities City Attorney's Conference during the May 2, 1990 City Council meeting. The Mayor and the City Manager feel that he should be at the meeting for the discussion of this important and controversial item.

Therefore, the Smoking Ordinance is now scheduled to be on the May 16, 1990 regular City Council meeting. An agenda will be sent to you the week before the meeting. We hope that you will be able to attend the meeting that evening.

If you have any further questions, please contact our office.

Very truly yours,


Jennifer M. Perrin
Deputy City Clerk

AMR/jmp

CITY COUNCIL

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City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

April 24, 1990

Mr. Bert Heim
Hollywood Cafe
314 South Cherokee Lane
Lodi, CA 95240

Dear Mr. Heim:

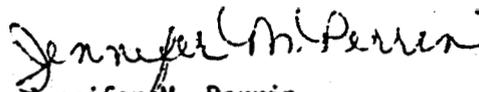
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Deputy City Clerk

AMP/jmp

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THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

April 24, 1990

Angelina's Restaurant
Attention: Sam Taylor
1420 West Kettleman Lane
Lodi, CA 95240

Dear Mr. Taylor:

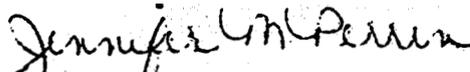
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Deputy City Clerk

AMR/jmp

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THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

April 24, 1990

American Cancer Society
207 East Alpine
Stockton, CA 95205

Dear Gentlemen:

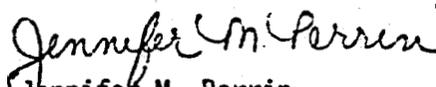
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Jennifer M. Perrin
Deputy City Clerk

AMR/jmp

Christian Community Concerns

June 1, 1990

Council Member Dave Hinchman
City Hall
221 W. Pine Street
Lodi, CA 95240

Dear Mr. Hinchman:

This letter is in reference to the City Council Meeting on May 16, 1990, when you discussed the proposed smoking ordinance, and the proposal from the Lodi District Chamber of Commerce asking you to join them in opposing the Alcohol Tax Initiative. I want to commend you on both decisions you made that evening.

Concerning the smoking ordinance, I know that you did not arrive at your decision without studying the issue very thoroughly from all sides, and because it was a very difficult decision to make, my highest regard is offered to you. I respect you for not side-stepping the issue, and your duty as our elected officials.

Although you may be taking some heat now for your decision, I believe that time will reveal to all of you that this was a monumental decision, equal to any that has ever been before this council for the protection and well-being of the people of Lodi.

On the Alcohol Tax initiative, I commend you again for not taking a position without hearing both sides of that issue, again demonstrating the quality and the integrity of your office.

Christian Community Concerns is proud of you as our elected officials, and stand ready to support you faithfully with our prayers, our speech, and our actions.

I, personally pray for each one of you by name daily, asking God to give you His wisdom in dealing with the complex problems you face for the sake of the people of Lodi.

May Cod's blessing be upon you.

Sincerely,

Ken Owen

Ken Owen
Director

Council received copies

RECEIVED
MAY 31 1990 9:52
ALICE H. REINICHE
CITY CLERK
CITY OF LODI



WILLIAM A. RUDE
Managing Partner
612 E. Kettleman Lane
Lodi, CA 95240
209/334-5493

May 9, 1990

Mr. Randy Snyder and Lodi City Council Members
Call Box 3006
Lodi, CA 95241-1910

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Most sincerely,

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William A. Rude
General Manager

cc: David Hinchman
Fred Reid
Evelyn Olson
Jim Pinkerton