
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
JUNE 7, 1989

SUBJECT: PROPOSED ORDINANCE OF THE LODI CITY COUNCIL PROHIBITING SMOKING
 IN CITY-OWNED FACILITIES

PREPARED BY: City Attorney

BACKGROUND INFORMATION: Pursuant to the direction of the City Council at the meeting of May 17, 1989, the "No Smoking" ordinance (attached) has been modified to apply to all City-owned buildings and facilities except outdoor facilities utilized primarily for athletics or entertainment. All indoor facilities and enclosed spaces would be included unless the location has been designated by the City Manager and appropriate signs posted, indicating that smoking is allowed.

It would include all buildings at Hutchins Street Square, restrooms in parks and stadiums, and other similar enclosed spaces in City facilities.

Respectfully submitted,

Bob McNatt

BOB McNATT
City Attorney

BM:vc

CCSMOKE/TXTA.01V

ORDINANCE NO. 1457

AN ORDINANCE OF THE LODI CITY COUNCIL
PROHIBITING SMOKING IN CITY-OWNED FACILITIES

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. A new chapter _____ is hereby added to the Lodi Municipal Code prohibiting smoking in City-owned facilities, and shall read as follows :

§ _____ Definitions.

1. "City-owned building or facility" shall mean any and all structures owned or under the control of the City of Lodi, customarily used for municipal purposes, including places of public assembly.
2. "Enclosed space" shall mean any space contained within a roof and walls on all sides, normally used for human habitation or occupation.
3. "Sign" shall mean a device utilizing letters at least one inch high, posted in a conspicuous place, advising that smoking is allowed within a room or space in which such sign is posted.
4. "Smoke" or "Smoking" shall mean the inhaling, exhaling, lighting, burning, or carrying of any lighted cigar, cigarette, pipe,

tobacco product or other vegetable material customarily burned for the ingestion of the smoke produced thereby.

§ Prohibition of smoking in public building ~~or~~ facilities.

It shall be unlawful *for* any person to smoke any cigar, cigarette, pipe, tobacco product or similar substance within any enclosed space located in any City-owned **building** or facility, whether or not such space is open to the public, unless appropriate signs are posted designating such space to be a "smoking permitted" area.

§ Exceptions.

This ordinance shall not apply to:

- A. Any City-owned outdoor facility, intended and utilized primarily for recreational purposes, **including** parks and stadiums or similar places where members of the public assemble to engage **in** or witness athletic competitions or entertainment events. However, smoking in such locations or facilities as designated by the City Manager may be prohibited by posting of appropriate signs indicating that smoking is not permitted.
- B. Jail or detention facilities in which arrestees, sentenced or unsentenced prisoners are confined.
- C. Enclosed spaces in City-owned facilities designated by the City Manager, and appropriately signed, allowing smoking.

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. 1457 was introduced at a regular meeting of the City Council of the City of Lodi held May 17, 1989 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. 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

B. McNatt

BOBBY W. McNATT
City Attorney

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