

Date: September 23, 2008
To: Parks and Recreation Commission
From: Commissioner Daria Walsh
Subject: BANNING SMOKING IN PARKS AND OPEN SPACE AREAS

Introduction

In November of 2007, the Parks and Recreation Commission prioritized our goals for the 2008, calendar year. Among the goals was one to consider further restrictions on smoking in city owned parks. This issue had been brought to the attention of the Commission by letters and comments from concerned citizens. Citizen concerns included fire safety, litter and environmental quality.

Current Regulations on Smoking in Parks in Palo Alto

All standard state (see appended State Health Code) and city regulations with regard to smoking in public places apply to the parks in Palo Alto. There are currently three legal restrictions on smoking in Palo Alto Parks:

1. The Municipal Code currently restricts smoking on any trail in Foothills Park:

22.04.150 - Foothills Park (g) No person shall smoke on any trail in Foothills Park. Violations of this subsection shall be a misdemeanor.

(The penalty fine is \$500.00 and this is enforced by park rangers)

2. Smoking is also restricted at "service locations," which includes playground structures, backstops or bleachers:

9.14.010 - Smoking in public places (j)"Service locations" means those enclosed or unenclosed areas open to, used by, or accessible to the general public that are listed below:

... (4)Areas in dedicated parks or other publicly accessible areas that are within twenty feet of bleachers, backstops, or play structures.

(The penalty fine is \$100.00 and this is enforced by police officers in most cases)

In addition, there is a Park Rule and Regulation that says that smoking is prohibited on nature trails or in nature areas where specifically posted as banned.

Park Rules and Regulations:

R1-28. SMOKING

No person shall smoke any substance in any area designated as a playground, nature trail or nature area or in or on any park facility where smoking is posted as being prohibited.

Nearby Parks

Neighboring cities take a variety of approaches to regulating smoking in parks. (See Attachment C for a brief summary of some nearby park regulations). Many have no specific regulations regarding smoking in parks. Some cities have a complete ban on smoking in city parks. And, some cities have restrictions within certain areas of city parks. Some cities that have natural areas within their park system restrict smoking in these areas. Parks in the San Mateo County Park System prohibit smoking.

Possible Commission Actions

The Commission may consider the follow actions or a combination of these actions. Of course, the commission may propose an action alternate to those outlined here.

(Action 1) No Action

As the Commission now understands the extent of smoking restrictions in City of Palo Alto Parks the Commission could find the current restrictions acceptable and not act in any way.

(Action 2) Ban smoking for fire prevention in Foothills Park and Pearson Arastradero Preserve

Since the City is currently preparing a Wildland Fire Management Plan, and since the consultant is charged with making recommendation on changes to the Municipal Code for fire protection and prevention in the foothills (there will be a presentation to the Commission next month), roll the complete ban on smoking in the foothills into the package of suggested municipal code changes. This puts the weight of the Wildlands Fire Master Plan behind the recommendation and it provides a simple-to-understand uniform ban on smoking throughout these two preserves.

(Action 3) Expand the definition of Service locations in urban parks

Municipal Code 9.4.025 j (4) already specifically bans smoking at playgrounds, backstops and bleachers. Consider taking an incremental step in banning smoking in picnic areas (similar to what you might expect at a restaurant), at trail heads, park restrooms, pools and gazebos. (You might want to also recommend that the penalty be increased from \$100 to \$500 dollars so that people take it seriously.)

(Action 4) Ban smoking on trails at the City-owned Baylands and Byxbee Park

Similar to the existing ban on smoking at Foothills Park trails (22.04.150(g) above), create an identical ban on smoking on trails in the City-owned Baylands or Byxbee Park. This would be easy to justify as both a fire prevention measure as well as preventing hazardous materials (cigarette butts) from damaging sensitive wildlife habitat.

(Action 5) Total ban on smoking in all parks and open space

This action is self-explanatory.

Enforcement of Smoking Restrictions

Discussions with Police Chief Johnson indicate that there are very few conflicts requiring police attention at City of Palo Alto parks. She said that she does not remember any complaints or conflicts due to smoking. Police Chief Johnson also indicated that any new ordinance would be a low-priority ordinance for police enforcement

ATTACHMENT A

CALIFORNIA CODES
HEALTH AND SAFETY CODE

104495. (a) For the purposes of this section, the following definitions shall govern:

(1) "**Playground**" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public or private school grounds, or on city, county, or state park grounds.

(2) "Tot lot sandbox area" means a designated play area within a public park for the use by children under five years of age. Where the area is not contained by a fence, the boundary of a tot lot sandbox area shall be defined by the edge of the resilient surface of **safety** material, such as concrete or wood, or any other material surrounding the tot lot sandbox area.

(3) "Public park" includes a park operated by a public agency.

(4) "Smoke or **smoking**" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

(5) "Cigarette" means the same as defined in Section 104556.

(6) "Cigar" means the same as defined in Section 104550.

(b) No person shall smoke a cigarette, cigar, or other tobacco-related product within 25 feet of any **playground** or tot lot sandbox area.

(c) No person shall dispose of cigarette butts, cigar butts, or any other tobacco-related waste within 25 feet of a **playground** or a tot lot sandbox area.

(d) No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this section.

(e) Any person who violates this section is guilty of an infraction and shall be punished by a fine of two hundred fifty dollars (\$250) for each violation of this section. Punishment under this section shall not preclude punishment pursuant to Section 13002, Section 374.4 of the Penal **Code**, or any other provision of law proscribing the act of littering.

(f) The prohibitions contained in subdivisions (b), (c), and (d) shall not apply to private property.

(g) The prohibitions contained in subdivisions (b) and (c) shall not apply to a public sidewalk located within 25 feet of a **playground** or a tot lot sandbox area.

(h) This section shall not preempt the authority of any county, city, or city and county to regulate **smoking** around playgrounds or tot lot sandbox areas. Any county, city, or city and county may enforce any ordinance adopted prior to January 1, 2002, or may adopt and enforce new regulations that are more restrictive than this section, on and after January 1, 2002.

ATTACHMENT B

FROM CITY OF PALO ALTO MUNICIPAL CODE

9.14.010 Definitions.

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

(a) "Bar" means an area which is devoted to serving alcoholic beverages and in which serving food is only incidental to the consumption of such beverages. "Bar" shall include bar areas within eating establishments which are devoted to serving alcoholic beverages and in which serving food is only incidental to the consumption of such beverages.

(b) "City pool car" means any truck, van or automobile owned by the city and operated by a city employee. City pool car does not include vehicles operated by the police department.

(c) "Eating establishment" means a coffee shop, cafeteria, short-order cafe, luncheonette, sandwich shop, soda fountain, restaurant, or other establishment serving food to members of the public.

(d) "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

(e) "Employee eating place" means any place serving as an employee cafeteria, lunchrooms, lounge, or like place.

(f) "Employer" means any person who employs the services of an individual person or persons.

(g) "Enclosed" means either closed in by a roof and four walls with appropriate openings for ingress and egress or not open to the sky due to a cover or shelter consisting of a tarpaulin, tent structure or other impermeable or semi-permeable materials or fabric.

(h) "Motion picture theater" means any theater engaged in the business of exhibiting motion pictures.

(i) "Public places" means enclosed areas within publicly and privately owned buildings, structures, facilities, or complexes that are open to, used by, or accessible to the general public. Public places include, but are not limited to, stores, banks, eating establishments, bars, hotels, motels, depots and transit terminals, theaters and auditoriums, enclosed sports arenas, convention centers, museums, galleries, polling places, hospitals and other health care facilities of any kind (including clinics, dental, chiropractic, or physical therapy facilities), automotive service centers, general business offices, nonprofit entity offices and libraries. Public places further include, but are not limited to, hallways, restrooms, stairways, escalators, elevators, lobbies, reception areas, waiting rooms, indoor service lines, checkout stations, counters and other pay stations, classrooms, meeting or conference rooms, lecture rooms, buses, or other enclosed places that are open to, used by, or accessible to the general public.

(j) "Service locations" means those enclosed or unenclosed areas open to, used by, or accessible to the general public that are listed below:

- (1) Bus, train and taxi shelters;

(2) Service waiting areas including, but not limited to, ticket or service lines, public transportation waiting areas, and public telephones;

(3) Areas within twenty feet of the entrance or exit to an enclosed public place, except when the public place is closed, between ten p.m. and six a.m., or when the entrance or exit is for the exclusive use of employees and not accessible to the general public;

(4) Areas in dedicated parks or other publicly accessible areas that are within twenty feet of bleachers, backstops, or play structures.

(k) " **▶Smoking ◀**" means the combustion of any cigar, cigarette, tobacco or any similar article.

(l) "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, **▶smoking ◀**tobacco, and smokeless tobacco.

(m) "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 incidental.

(n) "Tobacco vending machine" means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether coin or paper bill, or other thing representative of value, which dispenses or releases a tobacco product and/or tobacco accessories.

(o) "Workplace" means any enclosed area of a structure or portion thereof used as a place of employment.

(Ord. [4294](#) § 2, 1995: Ord. [4164](#) § 2 (part), 1993: Ord. [4056](#) § 4 (part), 1991)

9.14.020 ▶Smoking ◀ prohibited - Public places.

▶Smoking ◀ is prohibited in all public places, unless such place is exempted pursuant to Section [9.14.070](#).

(Ord. [4056](#) § 4 (part), 1991)

9.14.025 ▶Smoking ◀ prohibited - Service locations.

▶Smoking ◀ is prohibited in all service locations, except while passing through the service area on the way to another destination.

(Ord. [4164](#) § 3, 1993)

9.14.030 ▶Smoking ◀ prohibited - City pool cars.

▶Smoking ◀ is prohibited in all city pool cars.

(Ord. [4056](#) § 4 (part), 1991)

9.14.040 **»Smoking** **« prohibited - Child day care facilities.**

»Smoking « is prohibited in a private residence which is licensed as a child day care facility within the meaning of Health and Safety Code Section 1596.750 during the hours it is operated as a child day care facility and in those enclosed areas where children may be exposed to smoke.

(Ord. [4056](#) § 4 (part), 1991)

9.14.050 **»Smoking** **« prohibited - Fifty percent of unenclosed eating establishments.**

(a) »Smoking « is prohibited in a designated contiguous portion of not less than fifty percent of the unenclosed seating area of an eating establishment.

(b) Every eating establishment shall at all times designate, and identify by posting signs pursuant to Section 9.14.100 or by placing table top notices, a contiguous portion of the unenclosed seating area as a nonsmoking area.

(Ord. [4056](#) § 4 (part), 1991)

9.14.060
Reserved.*

* Editor's Note: Former Section 9.14.060, Regulation of »Smoking « in the Workplace, previously codified herein and containing portions of Ordinance Nos. 4056 and 4164 was repealed in its entirety by Ordinance No. 4294.

9.14.070
Exemptions.

The following places and workplaces are exempt from Section [9.14.020](#):

(a) Bars to the extent and in the manner provided in California Labor Code Section 6404.5;

(b) Bingo games, licensed pursuant to the Palo Alto Municipal Code, which do not permit access by minors under eighteen years of age;

(c) Any property owned or leased by other governmental agencies;

(d) A fully enclosed room in a hotel, motel, other transient lodging establishment similar to a hotel, motel, or public convention center which is being used entirely for a private function and which is not open to the general public, except while food or beverage functions are taking place, including setup, service, and cleanup activities, or when the room is being used for exhibit purposes, sixty-five percent of the guest rooms in a hotel, motel, or similar transient lodging establishment, and rooms within private residences when not operated as a family day care home;

(e) Tobacco stores.

(Ord. [4294](#) § 3, 1995: Ord. [4164](#) § 2 (part), 1993: Ord. [4056](#) § 4 (part), 1991)

9.14.080 Location of tobacco vending machines.

(a) No person shall locate, install, keep or maintain a tobacco vending machine except in a place which under state law is not lawfully accessible to minors.

(b) This section shall become effective ninety days after its enactment. Any tobacco vending machine not in conformance with this section upon its effective date shall be removed.









(Ord. [4056](#) § 4 (part), 1991)

9.14.090 Display of tobacco products for sale.

No person shall display or offer tobacco products for sale except in an area, or from within an enclosure, which physically precludes the removal of the tobacco products without the assistance of the person authorizing such display or offer, or an employee of such person.

(Ord. [4056](#) § 4 (part), 1991)

9.14.100 Posting of signs required.

With the exception of service locations, wherever this ordinance prohibits  smoking , conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch in height, on a contrasting background. Signs of similar size containing 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 may be used in addition to or in lieu of any signs required hereunder. Such signs shall be placed by the owner, operator, manager, or other persons having control of such room, building, or other place where  smoking  is prohibited. Signs placed at each entrance of buildings in which  smoking  is totally prohibited shall be sufficient.

(Ord. [4294](#) § 4, 1995: Ord. [4164](#) § 2 (part), 1993: Ord. [4056](#) § 4 (part), 1991)

**9.14.110
Enforcement.**

Pursuant to Section 6 of Article IV of the Palo Alto City Charter, the city manager is hereby granted authority to enforce the provisions of this chapter and Labor Code Section 6404.5.

(Ord. [4294](#) § 5, 1995)

**9.14.120 Public
nuisance.**

Any violation of this chapter is a public nuisance and may be abated in accordance with Chapter [9.56](#) of the Palo Alto Municipal Code and/or Code of Civil Procedure Section 731.

(Ord. [4056](#) § 4 (part), 1991)

**9.14.130 Violation to be
misdemeanors.**

Violation of any provision of this chapter shall be a misdemeanor punishable as provided in this code.

(Ord. [4056](#) § 4 (part), 1991)

ATTACHMENT C

Neighboring City and County Policies

Menlo Park .330-2200

No Park Smoking Regulation –

San Mateo County Parks 363-4020

No Smoking allowed in County Parks

Mountain View

Smoke within twenty feet (20') of main entrances, exits, and operable windows of any park facility, restroom or within twenty-five feet (25') of a Playground, Tot Lot or Recreational Area;

RECREATION AREA: Means all grounds, roadways, avenues, parks, playgrounds, buildings and public areas under City jurisdiction used for park and recreation purposes.
Mountain View – 903-6331

SHORELINE (38.20.k) The city manager may impose seasonal smoking regulations due to fire danger and post those areas considered to be potential fire hazards.

SEC. 21.57.1. Playground/tot lot sandbox smoking prohibition.

a. No person shall smoke a cigarette, cigar or other tobacco-related product or chew or ingest any tobacco-related product within thirty (30) feet of any playground or tot lot sandbox area.

b. No person shall dispose of cigarette butts, cigar butts or any other tobacco-related waste within thirty (30) feet of a playground or a tot lot sandbox.

c. The prohibitions contained in subsections a and b shall not apply to private property.

d. The prohibitions contained in subsections a and b shall not apply to a public sidewalk located within thirty (30) feet of a playground or a tot lot sandbox area.

For purposes of this section, “playground” means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public and private school grounds or on city, county or state park grounds. “Tot lot sandbox area” means a designated play area within a public park for the use by children under five (5) years of age. Where the area is not contained by a fence, the boundary of a tot lot sandbox area shall be defined by the edge of the surface of safety material, such as concrete or wood, or any other materials surrounding the tot lot sandbox area. (Ord. No. 1.05, 2/8/05.)

Sunnyvale – (408) 730-7350

No Park Smoking Regulation

San Carlos - 802-4382

No Park Smoking Regulations (buildings, playgrounds...) Director can recommend smoking policy, must be reviewed by the commission.

San Francisco

SEC. 1009.80. DEFINITIONS.

For purpose of this Article, "smoking" or "to smoke" means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant.

(Added by Ord. 28-05, File No. 041307, App. 2/4/2005)

SEC. 1009.81. PROHIBITING SMOKING IN CITY PARK AND RECREATIONAL AREAS.

(a) Smoking is prohibited on any unenclosed area of property in the City and County of San Francisco that is open to the public and under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, sport or playing field, pier, or other property used for recreational purposes.

(b) Nothing in this Section is intended to change the provisions of Health Code Section 1009.22(b) regulating smoking in sport stadiums.

(c) Each City department with jurisdiction over property subject to this Article shall post signs in appropriate locations to provide public notice that smoking is prohibited.

(d) The provisions of this Article do not apply in any circumstance where federal or state law regulates smoking if the federal or state law preempts local regulation or if the federal or state law is more restrictive.

(e) The provisions of this Article do not apply to playgrounds or tot lot sandbox areas, in and around which smoking is prohibited by California Health and Safety Code Section 104495.

(f) The provisions of this Article do not apply to piers primarily used for commercial purposes.

(g) [Reserved.]

(Added by Ord. 28-05, File No. 041307, App. 2/4/2005; Ord. 110-06, File No. 060393, App. 5/19/2006)

San Mateo 522-7434

No Park Smoking Regulation

Belmont 595-7441

Smoking prohibited in all public places including parks

Chapter 20.5 REGULATION OF SMOKING*

*Editor's note: Section II of Ord. No. 1032, adopted Oct. 9, 2007, amended Ch. 20.5 to read as herein set out. Prior to such amendment, Ch. 20.5 consisted of §§ 20.5-1--20.5-24, which pertained to similar subject matter as enacted by Ord. No. 766, § 1, adopted May 12, 1987.

Sec. 20.5-1. Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes or that has an employee, as defined in this section.

(b) A "common interest development" means a development as defined in California Civil Code Section 1351(c), which includes condominium projects (including projects commonly known as townhomes or townhouses), community apartment projects, a planned development, or a stock cooperative.

(c) "Employee" means any person who is employed; retained as an independent contractor by any employer, as defined in this section; or any person who volunteers his or her services for an employer, association, nonprofit, or volunteer entity.

(d) "Employer" means any person, partnership, corporation, association, nonprofit or other entity who employs or retains the service of one or more persons, or supervises volunteers.

(e) "Landlord" means any person who owns real property leased as residential property, any person who lets residential property, or any person who manages such property, except that "landlord" does not include sublessors.

(f) "Multi-unit residence" means a building or portion thereof that contains more than one dwelling unit including but not limited to apartments, common interest development, senior citizen housing, nursing homes, and single room occupancy hotels.

(g) "Multi-unit residence common area" means any indoor or outdoor area of a multi-unit residence accessible to and usable by residents of different units, including but not limited to halls and stairwells, paths, lobbies, laundry rooms, common cooking areas, outdoor eating areas, play areas, swimming pools, and parking areas.

(h) "Nonprofit entity" means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

(i) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity except the City of Belmont.

(j) "Place of employment" means any area under the legal or de facto control of an employer, business or nonprofit entity that an employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation,

including, but not limited to: construction sites, taxis, employee lounges and breakrooms, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, retail and wholesale tobacco shops, and private residences that are used as child care or health care facilities subject to licensing requirements.

(k) "Public place" means any place, public or private, open to members of the general public regardless of any fee or age requirement, including, for example, plazas, parking lots, malls, stadiums, parks, playgrounds, farmers markets, fairs, and taxis.

(l) "Service area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money, including but not limited to ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.

(m) "Significant tobacco retailer" means any tobacco retailer that derives seventy-five (75) percent or more of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.

(n) "Smoking" or to "smoke" means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, or lighted cigarette of any kind), or the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including but not limited to, a pipe, a hookah pipe, cigar, or cigarette of any kind).

(o) "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(p) "Unit" means: (1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping, and any private outdoor spaces such as balconies, decks, and patios; and (2) senior citizen housing and single room occupancy hotels, as defined in California Health and Safety Code section 50519(b)(1), even where lacking private cooking facilities or private plumbing facilities. "Unit" does not include lodging in a hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2). (Ord. No. 1032, § II, 10-9-07)

Sec. 20.5-2. Secondhand smoke generally.

For all purposes within the City of Belmont, nonconsensual exposure to secondhand smoke is a nuisance, and the uninvited presence of secondhand smoke on property is a nuisance and a trespass.

(Ord. No. 1032, § II, 10-9-07)

Sec. 20.5-3. Smoking prohibitions.

(a) Smoking shall be prohibited in the following indoor and outdoor places within the City of Belmont, except in places listed in subsection (b) below:

(1) Public places;

- (2) Places of employment; and
 - (3) Multi-unit residence common areas; except that a landlord or common interest development may designate a portion of the outdoor area a smoking area. A designated smoking area:
 - (i) must be located at least twenty (20) feet from any operable window or door used by the public of an indoor area of a multi-unit residence where smoking is prohibited;
 - (ii) must not include, and must be at least twenty (20) feet from, outdoor areas primarily used by children including, but not limited to, areas improved or designated for play or swimming;
 - (iii) must be no more than twenty-five (25) percent of the total outdoor area of the premises for which it is designated;
 - (iv) must have a clearly marked perimeter;
 - (v) must be identified by conspicuous signs; and
 - (vi) must not overlap with any area in which smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law.
 - (4) Individual units of multi-unit residences, if such units share at least one common floor or ceiling with another such unit.
 - (5) Service areas;
 - (b) Unless otherwise prohibited by law, smoking is not restricted by this chapter in the following places:
 - (1) By performers during theatrical productions, if smoking is an integral part of the story in the theatrical production;
 - (2) Detached single-family homes and the lots they are sited on, except those used as a child care or health care facility subject to licensing requirements;
 - (3) Up to ten (10) percent of hotel and motel guest rooms, if the hotel or motel permanently designates particular guest rooms as nonsmoking rooms such that ninety (90) percent or more of its guest rooms are nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent "no smoking" signage shall be posted in nonsmoking rooms;
 - (4) Significant tobacco retailers, if at all times minors are prohibited from entering the store;
 - (5) Individual units of multi-unit residences which do not share any common floors or ceilings with any other such unit;
 - (6) Any city-designated outdoor smoking areas;
 - (7) Automobiles;
 - (8) On streets and sidewalks, unless being used as outdoor workplaces or at city-sponsored events such as parades and fairs.
 - (c) Nothing in this chapter shall be construed to prohibit smoking in any area in which such smoking is already prohibited by state or federal law unless the applicable state or federal law does not preempt additional local regulation.
- (Ord. No. 1032, § II, 10-9-07)

Burlingame - 558-7330

8.18.030 Smoking limitations in city-owned or city-controlled facilities and vehicles.

(a) Enclosed Facilities. Smoking is prohibited in all enclosed facilities owned by the city. For the purpose of this chapter, the building known as the Burlingame Lions Hall shall not be considered a city-owned building.

(b) Sports Fields and Courts. Smoking is prohibited at all times within twenty (20) feet of the following:

(1) Any bleachers, grandstands, playing fields, or dugouts of any city-owned sports field commonly used for activities such as baseball, softball, soccer, lacrosse, or football; and

(2) Any city-owned sports courts commonly used for activities such as tennis or basketball; and

(3) Players' benches or spectator gathering areas during any city-conducted or city-sponsored activity.

(c) City Events. Smoking is prohibited during the performance or conduct of any city-conducted or city-sponsored event, including but not limited to sports, entertainment, plays, ceremonies, pageants, fairs, or training in any location that is close enough to the event that smoke is traveling to or over participants or spectators of the event. The director of parks and recreation is authorized, however, to designate smoking areas at such an event where smoking is to be allowed notwithstanding this subsection. This subsection does not apply to smoking by a person who is passing through the area to another destination, or to smoking by actors in a theatrical production if smoking is an integral part of the production.

(d) Specific Areas. Smoking is prohibited in the following locations:

(1) Burlingame Golf Center;

(2) Murray Field;

(3) Burlingame School District property, including fields and courts; and

(4) San Mateo Union High School District property, including fields and courts.

(e) Posted Areas. In addition to the facilities described above, the city manager and the director of parks and recreation are authorized to post additional city-owned or city-controlled facilities for "no smoking," and smoking is prohibited in any such facility that is so posted.

(f) City Vehicles. Smoking is prohibited in any city-owned or city-controlled vehicle. (Ord. 1344 § 1 (part), (1987); Ord. 1481 § 1 (part), (1993); Ord. 1485 § 1, (1993); Ord. 1777 § 2, (2005))