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**DEPARTMENT OF  
ADMINISTRATIVE SERVICES**

**CITY OF SACRAMENTO  
CALIFORNIA**

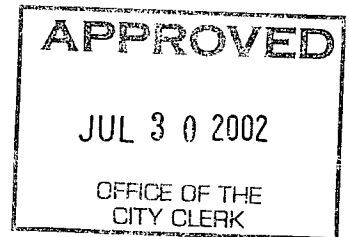
921 TENTH STREET  
ROOM 401  
SACRAMENTO, CA  
95814-2713

ADMINISTRATION  
DIVISION

PH: 916-264-5270

July 9, 2002

City Council  
Sacramento, California



Honorable Members in Session;

**SUBJECT:** Prohibition of Smoking at Entrances to City Buildings

**LOCATION/COUNCIL DISTRICT:** All

**RECOMMENDATIONS:**

The Law & Legislation Committee recommends that the City Council adopt the attached ordinance, prohibiting smoking within 20 feet of the entrances to all City owned and operated buildings except with respect to the primary entrance, the City Manager shall have authority to grant an exemption from subsection B at ticketed or controlled events and amends City Code Section 8.80 to comply with current State law.

**CONTACT PERSON:** Michael L. Medema, Special Projects Manager, (916) 264-1915

**FOR CITY COUNCIL MEETING OF:** July 30, 2002

**SUMMARY:**

The Law & Legislation Committee recommends that the City Council adopt the attached ordinance, prohibiting smoking within 20 feet of the entrances to all City owned and operated buildings except with respect to the primary entrance, the City Manager shall have authority to grant an exemption from subsection B at ticketed or controlled events and amends Section 8.80 to comply with current State law.

## **COMMITTEE ACTION:**

On July 18, 2002 the Law and Legislation Committee voted to recommend that the City Council adopt the attached ordinance that prohibits smoking within 20 feet of City buildings.

## **BACKGROUND AND ANALYSIS:**

The Mayor requested staff to develop a policy for City Council consideration that prohibits smoking within 20 feet from the entrances to City owned and/or operated buildings.

The City of Davis California adopted an ordinance on February 24, 1993, which prohibits smoking within 20 feet of the entrances to all buildings open to the public. Currently, the penalty for violation of this ordinance is an infraction. The ordinance requires that owners of buildings open to the public post signs in areas designated as non-smoking or smoking permitted as appropriate. The City of Davis reports that it has experienced very few cases where a citation was necessary. In most instances, the violators voluntarily complied with the prohibition when informed of the ordinance. In one case, a citizen insisted on receiving a citation. The citizen was fined and the fine was upheld upon appeal.

On April 24, 2001, the Board of Supervisors of the County of Sacramento adopted a formal policy prohibiting smoking outside of County buildings. County buildings were defined to include all County owned, leased and occupied buildings. In addition, the Board directed staff to work on appropriate signage and policy compliance, to include the provisions in all future County leases, and to report back in one year on policy compliance. The Sacramento County Department of Health and Human Services staff informally informed City staff that the signage has been effective in reducing the instances of smoking near the entrances to County Buildings. The County's policy does not specify a penalty for non-compliance.

In January 2001, a survey of 1812 California adults conducted by Field Research Corporation for the California Department of Health and Human Services found that:

- 76% agreed that workplaces should designate at least a 15 foot smoke free area around all building entrances.
- 82% of non-smokers agreed that workplaces should designate at least a 15 foot smoke free area around all building entrances.
- 59% of smokers agreed that workplaces should designate at least a 15 foot smoke free area around all building entrances.

In February 2002, the Sacramento County Department of Health and Human Services conducted an informal City employee survey, to determine employee support for prohibiting smoking within 20 feet of all entrances to City buildings. Three hundred and twenty two employees voluntarily participated in the survey conducted over three days. Highlights of the survey include:

- 73% were in favor of a City policy to keep smoking away from the entrances to City buildings.
- 33% said that they were exposed to secondhand smoke at work every day.

- 71% said that they were bothered a lot (41.4%) or some (29.6%) by people smoking near the entrances to City buildings.

**FINANCIAL CONSIDERATION:**

The City will incur a minor expense for signage as appropriate.

**POLICY CONSIDERATION:**

Staff believes that the City will experience substantial compliance with the Smoking Ordinance as experienced and reported in the City of Davis and Sacramento County.

**ENVIRONMENTAL CONSIDERATIONS:**

This report recommends no action that would constitute a project under the California Environmental Quality Act (CEQA).

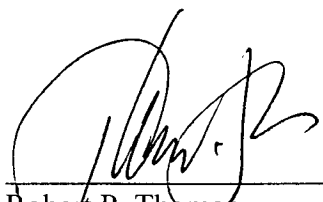
**ESBD CONSIDERATIONS:**

The Office of Small Business Development has over twenty active certified small businesses that supply signage.

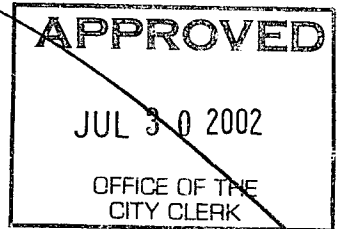
Respectfully submitted,

  
Michael L. Medema  
Special Projects Manager

RECOMMENDATION APPROVED

  
\_\_\_\_\_  
Robert P. Thomas  
City Manager

Attachment



**ORDINANCE NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 8.80.140 OF  
TITLE 8 OF THE SACRAMENTO CITY CODE RELATING  
TO PROHIBITION OF SMOKING AT CITY BUILDINGS**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Section 8.80.140 of the Sacramento City Code is hereby amended to read as follows:

- A. Smoking is prohibited in all city buildings.
- B. No person, except while passing on the way to another destination, shall smoke within twenty feet of any opening to a city building during its ~~usual~~ hours of operation. For purposes of this subsection, opening shall mean an entrance, exit, open window, ventilation intake system or covered entryway into a building from a contiguous street, sidewalk, walkway or parking area. "No smoking" signs shall be posted at or near each first floor entrance and exit to all city buildings covered under this subsection, in the manner prescribed by Section 8.80.230 of this chapter.
- C. Except with respect to the primary entrance, the City Manager shall have the authority to grant an exemption from subsection B at ticketed or controlled access events.
- D. For the purpose of this section, "city building" shall mean any building, or portion thereof, that is a workplace primarily occupied by City of Sacramento employees.
- E. Should any portion of this section be determined unlawful or unenforceable by a court of competent jurisdiction, the remaining portion(s) of this section shall be considered severable and shall remain in full force and effect.

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



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CITY OF SACRAMENTO  
CALIFORNIA

921 TENTH STREET  
ROOM 401  
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95814-2713

ADMINISTRATION  
DIVISION

July 8, 2002

PH: 916-264-5270

City Council  
Sacramento, California

**CONTINUED**  
FROM 7/23/2002  
TO 7/30/2002

Honorable Members in Session:

**SUBJECT:** ORDINANCE PROHIBITING SMOKING AT ENTRANCES TO CITY BUILDINGS

**LOCATION AND DISTRICT:** Citywide; All Council Districts

**RECOMMENDATION:**

It is recommended that the item be passed for publication of title and continued to July 30, 2002.

**CONTACT PERSON:** Michael L. Medema, Special Projects Manager, (916) 264-1915

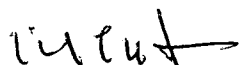
**FOR COUNCIL MEETING OF:** July 23, 2002.

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.


**BACKGROUND INFORMATION:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32. Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,

  
Michael L. Medema  
Special Projects Manager

RECOMMENDATION APPROVED:

  
ROBERT P. THOMAS  
City Manager

Attachment

CO-2002-027  
Amended

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE AMENDING SECTION 8.80.140 OF TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO PROHIBITION OF SMOKING AT CITY BUILDINGS

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



# AMENDED

ORDINANCE NO. 2002-027

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUL 30 2002



**AN ORDINANCE AMENDING SECTION 8.80.140 OF TITLE 8  
OF THE SACRAMENTO CITY CODE RELATING TO  
PROHIBITION OF SMOKING AT CITY BUILDINGS**

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- 1 -

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. 2002-027

DATE ADOPTED: JUL 30 2002

DATE PASSED FOR PUBLICATION: JUL 23 2002  
DATE ENACTED: JUL 30 2002  
DATE EFFECTIVE: AUG 29 2002

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. 2002-027

DATE ADOPTED: JUL 30 2002