


<p style="text-align: center;"><b>City of Petaluma, CA</b> <b>Administrative Policy</b></p>	<p><b>Number:</b> <b>Last Revision Date:</b> <b>Date:</b> May 26, 1994 <b>Page:</b></p>
<p style="text-align: center;"><b>Subject: Smoking Ordinance</b></p>	<p style="text-align: center;"><b>Authority: City Manager</b>  <b>City Manager</b></p>

**I. ORDINANCE 1956 N.C.S**

On May 16, 1994 the Petaluma City Council voted to amend Chapter 8.20 of the Municipal Code regulating smoking in public places and places of employment. The ordinance also regulates youth access to tobacco products. The effective date of Ordinance 1956 N.C.S. is September 1, 1994.

**II. HEALTH HAZARD**

The City Council has determined that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a significant health hazard. Accordingly, the Council has adopted measures to eliminate tobacco smoke in public places, places of employment and all facilities owned or controlled by the City of Petaluma.

**III. PUBLIC PLACES**

Except as otherwise provided, smoking shall be prohibited in all enclosed public places within the City of Petaluma, *including but not limited to:* retail stores, theaters, service lines, auditoriums, sports arenas, card parlors, bowling alleys, convention halls, public restrooms, Laundromats, common areas and conference rooms of hotels and motels, common areas of multi-residential facilities, and common areas or multi-unit commercial facilities.

"No Smoking" signs or the international "No Smoking" symbol must be conspicuously posted in every building, as well as entrances at eye level.

**IV. RESTAURANTS**

Smoking shall be prohibited in all restaurants. A restaurant is a workplace and must comply with the workplace regulations listed below.

"No Smoking" signs or the international "No Smoking" symbol shall be clearly posted at all restaurant entrances.

Section III

**V. WORKPLACE**

Smoking shall be prohibited in all enclosed workplaces, *including but not limited to:* private offices, cafeterias, restrooms, meeting rooms, break-rooms, and vehicles. Each employer having a place of employment must adopt, implement, make known and maintain a written smoking policy, which complies with City standards. The written policy shall be given to any existing or prospective employees (this fact sheet may suffice).

"No Smoking" signs or the international "No Smoking" symbol must be conspicuously posted at building entrances and employee lounges and lunchrooms.

**VI. SMOKING OPTIONAL AREAS**

Smoking may be permitted in the following areas: private residences except when used as a child care or health care facility, 50 percent (50%) of hotel or motel rooms rented to guests, retail tobacco stores, a place of employment if it employs only the owner, is not a public place and the enclosed area does not share a ventilation system with any other enclosed public place or place of business.

Smoking may be permitted in BARS. A bar is a separate establishment or room in a restaurant physically separated by full walls from the rest of the restaurant, which is primarily devoted to the serving of alcoholic beverages, in which no person under 18 years is allowed to enter except to travel to restrooms or a non-bar portion of the restaurant. Any owner, operator, manager or person who controls any establishment may choose to make areas exempted by the ordinance NONSMOKING (e.g. outdoor seating, bars, doorways).

**VII. REGULATION OF THE SALE OF TOBACCO PRODUCTS**

Any person, business or establishment selling cigarettes and other tobacco products shall post a plainly visible sign at the point of purchase of tobacco products. Lettering must be at least one-quarter inch (1/4") high. Signs must state:

1. THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW
  
2. ID IS REQUIRED TO PURCHASE TOBACCO

An ID check, to establish that a purchaser's age is eighteen, is required for every sale of tobacco, unless the seller has some reasonable basis for determining the buyer's age.

Self-service merchandising or sales of tobacco products is prohibited. A customer may not have access to, or sale (possession of, cigarettes, or smokeless tobacco without the assistance of a store employee. Cartons of cigarettes, multi-packages of smokeless tobacco, cigars and pipe tobacco are exempt from this provision as long as they remain under constant, direct sight of a store employee, The employee must be able to see the products themselves, not just the displays racks, shelves, kiosks, etc., where the products are displayed.

Coin-operated TOBACCO VENDING MACHINES are prohibited on all premises with the exception of bars while they are exempt.

**VIII. VIOLATIONS**

It is a violation of the ordinance for any person to smoke in any area where smoking is prohibited under this law. It is a violation of the ordinance for any employer, owner, manager or person in charge to fail to post "No Smoking" signs, fail to comply with any provision of the ordinance. It is a violation of the ordinance for any person, business, owner, manager operator, or employee to fail to comply with the above regulations of the sale of tobacco products to minors.

**IX. PENALTIES**

Except as may otherwise be provided by the State of California (e.g. Penal Code Section 390, as amended, addressing tobacco sales to minors), infractions are punishable by:

- (1) A fine not exceeding \$100.00 for the first violation.
- (2) A fine not exceeding \$200.00 for a second violation within one year.
- (3) A fine not exceeding \$500.00 for each violation within five years.

**X. NONRETALIATION**

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant who exercises any rights afforded by the Ordinance.

**XI. ENFORCEMENT AND COMPLAINTS**

It is the responsibility of the owner, operator, manager, or person who is in control, to inform any apparent violator. The ordinance will be enforced by the City of Petaluma. Any person who wishes to register a complaint may contact the City Manager's office on weekdays 8:00 a.m. to 5:00 p.m. at 778-4345. A copy of Ordinance 1956 N.C.S. may also be requested at this number.