

ORDINANCE NO. 593

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING SECTION 8.05.030, PROHIBITION OF SMOKING AND SECTION 8.05.060 POSTING REQUIREMENTS, OF CHAPTER 8.05, REGULATION OF SMOKING, OF TITLE 8, HEALTH AND SAFETY, OF THE FOSTER CITY MUNICIPAL CODE

CITY OF FOSTER CITY

IT IS SO ORDAINED by the City Council of the City of Foster City as follows:

Section 1. Title 8, Health and Safety, Chapter 8.05, Regulation of Smoking of the Foster City Code is hereby amended and replaced with the following:

8.05.030 Prohibition of smoking.

Smoking shall be prohibited in the following public places and other places similarly situated, including, but not limited to, the following areas:

- A. All enclosed areas available to and customarily used by the general public, including, but not limited to, all "public places" as defined in this chapter, unless specifically excepted in this chapter;
- B. Elevators, escalators and stairways;
- C. Public restrooms;
- D. Service lines;
- E. Buses, taxicabs and other means of public transit operating under the authority of the city, and ticket, boarding and waiting areas for public transit;
- F. All reception and waiting areas;
- G. Galleries, libraries and museums;
- H. All enclosed areas, including buildings owned or operated by the city; also included in this definition are all public vehicles owned or operated by the city and not permanently assigned to one person;
- I. All enclosed indoor seating in restaurants; at least fifty percent of the outside seating area of restaurants shall be designated as a "nonsmoking area"; smoking may be permitted in up to fifty percent of the outside seating areas of restaurants;
- J. Retail stores;

K. Libraries and museums;

L. Any building not open to the sky that is used primarily for exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of any such production;

M. Enclosed sports arenas and convention halls;

N. Doctors' offices, dentists' offices, waiting rooms, hallways, wards and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities and offices of all other health care providers;

O. Hotels and motels, which shall designate at least fifty percent of the rooms as fixed "nonsmoking" rooms and shall post signs informing guests of the requirement. No ashtrays or matches shall be supplied in such rooms. Notice of prohibition of smoking shall be posted;

P. Within fifty (50) feet of all entrances / doorways of commercial and retail spaces and thirty (30) feet of all entrances / doorways of multifamily residential units, including apartments, condominiums and townhomes;

Q. All Community-Wide Special Events, including but not limited to the annual Arts and Wine Festival, the 4<sup>th</sup> of July Celebration and Summer Concerts;

R. Areas that are on or adjacent to public property, including all City facilities and parks, sidewalks, pathways, pedways and parking lots. If required by law, the City shall designate an outdoor smoking area for City buildings that are places of employment. Smoking is not permitted in City streets except within vehicles traveling on City streets;

S. All sidewalks in or adjacent to common interest developments, apartments, shopping centers and commercial properties with retail establishments; notwithstanding the provisions of this chapter to the contrary, smoking may be permitted on sidewalks adjacent to single-family homes.

T. All apartment units for which new leases are executed subsequent to the effective date of this ordinance, their balconies and patios. For apartment units with existing leases, their balconies and patios, smoking shall be prohibited commencing twelve (12) months after the effective date of this ordinance. This subsection shall be reviewed by the city council within six (6) months of the effective date of the ordinance;

U. Condominiums and townhomes with shared common walls, floors or ceilings, their balconies and patios;

V. All indoor and outdoor common areas of apartment units, condominiums and townhomes, including but not limited to lobbies, hallways, stairwells, elevators, escalators, lawns, gardens, balconies, patios, yards and driveways. Exception: Smoking may be permitted in specifically designated areas of condominium, townhome and apartment facilities as long as the designated area is not located within thirty (30) feet of an entrance/doorway, and marked with signage identifying the smoking area. The area, if interior, shall be fully enclosed, separately ventilated, and not the only space available for a particular activity or service;

W. Senior citizen retirement or residential care houses, nursing homes or licensed community care facilities. Exception: Smoking may be permitted in specifically designated areas of the facilities listed in this subsection as long as the designated area is not located within fifty feet of an entrance/doorway and is marked with signage identifying the smoking area. The area, if interior, shall be fully enclosed, separately ventilated, and not the only space available for a particular activity or service.

#### 8.05.060 Posting requirements.

A. Each owner, operator, manager or other person having control of multi-family apartment units, condominiums or townhomes, public places or places of employment within which smoking is regulated by this chapter shall be in compliance with this chapter upon conspicuously posting "No Smoking" signs with letters not less than one inch 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. At least one sign shall be placed at the entrances to every applicable facility.

B. An owner, operator or manager of a building in which no smoking is permitted in any space in the building may limit the "No Smoking" postings to first floor entrances and exits and to elevator lobby areas of all other floors.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

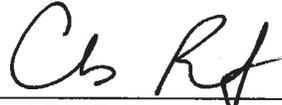
This Ordinance was introduced and read on the 3<sup>rd</sup> day of November, 2014, and passed and adopted on the 17th day of November, 2014, by the following vote:

AYES: Councilmembers Kiesel, Okamoto, Perez, Pollard and Mayor Bronitsky

NOES: None

ABSENT: None

ABSTAIN: None



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CHARLIE BRONITSKY, MAYOR

ATTEST:



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DORIS L. PALMER, CITY CLERK