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**DEPARTMENT OF
ADMINISTRATIVE SERVICES**

ADMINISTRATION
DIVISION

**CITY OF SACRAMENTO
CALIFORNIA**

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July 2, 2002

Law & Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Prohibition of Smoking at Entrances to City Buildings

LOCATION/COUNCIL DISTRICT: All

RECOMMENDATIONS:

Staff recommends that the Law & Legislation Committee recommend that the City Council adopt the attached ordinance, prohibiting smoking within 20 feet of the entrances to all City owned and operated buildings except the Convention Center, Memorial Auditorium, and Community Center Theater and amends City Code Section 8.80 to comply with current State law.

CONTACT PERSON: Michael L. Medema, Special Projects Manager

FOR LAW & LEGISLATION MEETING OF: July 18, 2002

SUMMARY:

Staff recommends that the Law & Legislation Committee recommend that the City Council adopt the attached ordinance, prohibiting smoking within 20 feet of the entrances to all City owned and operated buildings except the Convention Center, Memorial Auditorium, and Community Center Theater and amends City Code Section 8.80 to comply with current State law.

COMMITTEE ACTION:

On April 23, 2002, the Law and Legislation Committee directed the City Attorney to draft an ordinance prohibiting smoking within 20 feet of all entrances to City owned and operated 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.

City management informed the representatives of the recognized employee representation groups regarding the purposed ordinance and met with staff to discuss this issue. City management believes that minimal facility accommodations can be made to mitigate the inconvenience to the citizens and employees that smoke.

The Convention Center, Memorial Auditorium, and Community Center Theater are facilities, which have multiple entrances. In many cases, those entrances are part of the functional space rented by clients. These function areas were designated as smoking areas and must be contiguous to the building for controlling private and ticketed events.

For example, terraces and balconies service the 2nd and 3rd level of the Convention Center and need to be designated smoking areas to allow patrons access to their functions. Another example is the Memorial Auditorium, side door areas, which are cordoned off to allow for designated smoking area. This is crucial for security reasons and for controlling access during public events.

The flexibility to designate smoking areas contiguous to the facilities is important to remain competitive in the industry and to maintain proper controlled access for events.

Staff recommends that the Law & Legislation Committee recommend that the City Council adopt the attached ordinance that prohibits smoking within 20 feet of the entrances to all City owned and operated buildings except for the Convention Center, Memorial Auditorium, and Community Center Theater and amends City Code Section 8.80 to comply with current State law.

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.

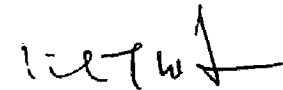
ENVIRONMENTAL CONSIDERATIONS:

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



Ken Nishimoto
Deputy 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 section, 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. Subsection B shall not apply at the following city buildings:
 - 1. Convention Center
 - 2. Memorial Auditorium
 - 3. Community Center Theater
- 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.

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____