

ORDINANCE NO. 2007-056

Adopted by the Sacramento City Council

June 26, 2007

AMENDING SECTION 12.72.010 OF CHAPTER 12.72 OF THE SACRAMENTO CITY CODE RELATING TO DEFINITIONS, AMENDING SECTION 12.72.020 OF CHAPTER 12.72 OF THE SACRAMENTO CITY CODE RELATING TO ENFORCEMENT, AND ADDING SECTION 12.72.135 TO ARTICLE III OF CHAPTER 12.72 OF THE SACRAMENTO CITY CODE RELATING TO THE PROHIBITION OF SMOKING IN PARKS.

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

SECTION 1.

Section 12.72.010 of the Sacramento City Code is amended to read as follows:

- A. The introductory sentence of Section 12.72.010 is amended to read as follows:
- For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section, unless the context otherwise clearly requires.
- B. Except as specifically amended by the amendments to the introductory sentence, all the provisions of Section 12.72.010 remains unchanged and in full force and effect.

SECTION 2.

Section 12.72.020 of the Sacramento City Code is amended to read as follows:

12.72.020 Compliance with title required—Violation, enforcement.

- A. It is unlawful for any person to enter, be or remain in any park or building unless he or she complies with all regulations set forth in this chapter applicable to such park or building.
- B. Violation of Sections 12.72.060(I), 12.72.060(L), 12.72.080 or 12.72.090 of this chapter shall be a misdemeanor. Violation of any other provision of this chapter shall be an infraction, except for violation of Section 12.72.135.
- C. Violation of Section 12.72.135 is not a criminal offense. Violation of Section 12.72.135 may be corrected by the bringing of a civil action by the city or the imposition of administrative penalties pursuant to Section 1.28.010 of the Sacramento City Code.

- D. The provisions of this chapter and rules and regulations promulgated hereunder shall be enforced by the employees of the neighborhood services department, city park service officers and city police officers.

SECTION 3.

Section 12.72.135 is added to Article III of Chapter 12.72 of the Sacramento City Code to read as follows:

12.72.135 Prohibition of Smoking in Parks.

- A. Smoking is prohibited in parks.
- B. No person shall dispose of any tobacco product, or any part of a tobacco product in any park, except in a designated waste disposal container.
- C. Notwithstanding subsection A of this section and unless otherwise provided by state or federal law, smoking is permitted in designated areas in community parks or regional parks authorized by the Director of Parks and Recreation. Designated smoking areas shall be prominently marked with signs.
- D. For purposes of this section, the following words and phrases shall have the meaning set forth in this subsection.
1. The word "parks" as defined in Section 12.72.010 of the Sacramento City Code does not apply to this section. Instead, "parks" means and includes all parks owned or controlled by the city and all parkways owned or controlled by the city. The term "parks" also includes all parking lots, off street parking areas, bike paths, and alleys which are used or intended to be used in connection with a park or parkway. "Parks" does not include golf courses or the sidewalks along the perimeter of parks.
 2. "Smoking" means possessing (and "smoke" means to possess) any object containing a lighted Tobacco Product or any other lighted weed or plant, or the lighting of any object containing a Tobacco Product or any other weed or plant.
 3. "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

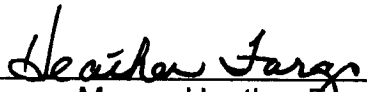
Adopted by the City of Sacramento City Council on June 26, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor, Heather Fargo

Attest:



Shirley Concolino, City Clerk

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