

1 **ORDINANCE NO. 5686**

2 **AN ORDINANCE OF THE CITY OF GLENDALE**
3 **AMENDING SECTIONS 8.52.020 THROUGH 8.52.230, AND 1.20.010(D); AND**
4 **ADDING SECTION 8.52.240 OF THE GLENDALE MUNICIPAL CODE, 1995, RELATING TO**
5 **SMOKING IN PUBLIC PLACES, AND IN COMMON AREAS, BALCONIES, AND PATIOS OF**
6 **MULTI-UNIT RENTAL HOUSING AND RESIDENTIAL CONDOMINIUM COMPLEXES;**
7 **AND AMENDING SECTION 14.2 OF VOLUME VII OF THE**
8 **GLENDALE BUILDING AND SAFETY CODE, 2008, RELATING TO POSTING THE LOCATION**
9 **OF SMOKING PERMITTED / PROHIBITED UNITS IN MULTI-UNIT RENTAL HOUSING.**

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

11 **SECTION 1.** Section 8.52.020 of the Glendale Municipal Code, 1995, is amended to read as
12 follows:

13 **8.52.020 Findings.**

14 The City Council finds, determines, and declares that:

15 A. Extensive medical and scientific research confirms that tobacco smoke is harmful to
16 smokers and non-smokers alike, triggering eye, nose, throat, and sinus irritation; hastening lung disease,
17 including emphysema; and causing heart disease and lung cancer.

18 B. In 1992, the United States Surgeon General reported that involuntary smoking— by
19 inhaling “secondhand smoke” (also called “environmental tobacco smoke”)— can cause lung cancer in
20 healthy non-smokers and poses a significant public health hazard.

21 C. In 2006, the United States Surgeon General concluded that:

- 22 1. A risk-free level of exposure to secondhand smoke does not exist; and
23 2. Neither separating smokers from non-smokers nor installing ventilation systems
24 effectively eliminates secondhand smoke.

25 D. The United States Environmental Protection Agency has classified secondhand smoke as
26 a group A carcinogen, the most dangerous class of carcinogen.

27 E. The United States Centers for Disease Control and Prevention (“CDC”) estimates that
28 secondhand smoke causes 3,000 lung cancer deaths per year among adult non-smokers in the United
States. Additionally, the California Environmental Protection Agency has concluded that secondhand
smoke causes coronary heart disease in non-smokers.

1 F. The California Air Resources Board has put secondhand smoke in the same category as
2 the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for
3 which no safe level of exposure exists.

4 G. Secondhand smoke is especially hazardous to particular groups, including those with
5 chronic health problems, the elderly, and children.

6 H. The CDC has found that secondhand smoke causes children to suffer from lower
7 respiratory tract illness, such as bronchitis and pneumonia; exacerbates childhood asthma; and increases
8 the risk of acute chronic middle ear infection in children.

9 I. Inside buildings, tobacco smoke contributes significantly to indoor air pollution.

10 J. The aesthetic impacts and odors of secondhand smoke pose a nuisance and annoyance to
11 non-smokers when in close proximity to people who are smoking.

12 K. Most Californians do not smoke and a majority favors limitations on smoking in multi-
13 unit rental housing, as evidenced by the following statistics:

- 14 1. 86% of Californians are non-smokers;
- 15 2. 78% of California voters support a law requiring apartment buildings to offer non-
16 smoking sections, where all the apartments, balconies, and patios in that section
17 were smoke-free, similar to the way that hotels offer non-smoking floors;
- 18 3. 74% of California voters favor having smoke-free sections in apartment buildings
19 so that 50% of the apartments would be non-smoking; and
- 20 4. 70% of California voters believe that a prospective tenant moving into an
21 apartment should be told if a tenant next door smokes.

22 L. Smoking in parks or recreational facilities endangers children and other users by
23 exposing them to secondhand smoke.

24 M. Within parks and recreational facilities, discarded cigarette and cigar butts (which do not
25 readily decompose) pose a particularly hazardous risk to small children who sometimes ingest the butt
26 or who handle it while it is still hot.

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1 N. Discarding a lighted cigarette or cigar butt onto the ground in a city park or recreational
2 facility not only has the potential to cause a fire, but also is a major source of litter and pollution, by
3 washing into storm drains and then ultimately contaminating the ocean.

4 O. Under the city's storm water management permit from the Regional Water Quality
5 Control Board, Glendale must remove from its storm drains litter measuring as small as 5 millimeters,
6 and because most cigarette or cigar butts exceed that size, the city must eliminate cigarette or cigar butts
7 from its storm drains.

8 P. The city of Glendale is committed to keeping its housing and public spaces safe, healthy,
9 and pleasant for everyone.

10 Q. In outdoor dining areas; outdoor service areas; public transit vehicles, stations, and stops;
11 outdoor gathering and event areas; indoor and outdoor shopping areas and centers; elevators; indoor and
12 outdoor common areas of multi-unit rental housing and residential condominium complexes; in
13 proximity to entrances / exits, windows, and vents of buildings open to the public; and on balconies and
14 patios of multi-unit rental housing and residential condominium units, smoking endangers the health of
15 non-smokers who are in the same area.

16 R. Neither the United States Constitution nor the California Constitution gives a person a
17 constitutional right to smoke.

18 S. Therefore, not only restricting smoking on balconies and patios of multi-unit rental
19 housing and residential condominium units, in public spaces such as buildings, common areas of multi-
20 unit rental housing and residential condominium complexes, parks and recreational facilities, and at
21 other locations open to the public, but also regulating disposal of cigarettes, cigars, and tobacco products
22 are necessary acts to protect the health, safety, and welfare of Glendale residents, workers, and visitors.

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1 **SECTION 2.** Section 8.52.030 of the Glendale Municipal Code, 1995, is amended to read as
2 follows:

3 **8.52.030 Definitions.**

4 For the purpose of this chapter, the following terms are defined as follows:

5 “Accessory living quarters or guest house” has the same meaning as the term “Accessory living
6 quarters and/or guest house,” which is defined in Section 30.70.020 of this code, or any successor legislation.

7 “Adult day care facility” means an establishment or facility that:

- 8 1. Is licensed; and
- 9 2. Provides non-medical care to a person who is 18 years of age or older and in need of
10 personal services, supervision, or assistance essential for:
 - 11 a. Sustaining the activities of daily living; or
 - 12 b. Protecting the individual on less than a 24-hour basis.

13 “Air intake vent”:

- 14 1. Means an opening into a building or structure that draws air from outside as part of the
15 building’s or structure’s ventilation system.
- 16 2. Does not include an entrance / exit, or a window.

17 “Arboretum or botanical garden” has the same meaning as the term “Arboretums and botanical
18 gardens,” which is defined in Section 30.70.020 of this code, or any successor legislation.

19 “Arcade establishment” has the same meaning as that term is defined in Section 30.70.020 of this
20 code, or any successor legislation.

21 “Automobile service station” has the same meaning as the term “Service station, automobile,”
22 which is defined in Section 30.70.020 of this code, or any successor legislation.

23 “Banquet hall” has the same meaning as that term is defined in Section 30.70.020 of this code, or
24 any successor legislation.

25 “Bar”:

- 26 1. Means an establishment:
 - 27 a. That is devoted to serving an alcoholic beverage for consumption, on the
28 premises, by one or more customers or guests; and

- 1 b. Whose annual gross income from serving food equals 25% or less of its total
2 annual gross income, which the establishment:
- 3 i. Derives from all combined revenue sources (including, but, not limited to,
4 alcoholic beverage, non-alcoholic beverage, food, and merchandise sales);
5 and
6 ii. Demonstrates in a financial statement that a certified public accountant has
7 certified as true and correct; and
8 c. Has a current and valid zoning use certificate or certificate of use and occupancy
9 from the city.
- 10 2. Includes, but is not limited to:
- 11 a. A tavern;
12 b. A nightclub;
13 c. A cocktail lounge;
14 d. A cabaret; or
15 e. A pub.
- 16 3. Does not include a restaurant's dining area.

17 “Billiard establishment” has the same meaning as that term is defined in Section 30.70.020 of
18 this code, or any successor legislation.

19 “Boardinghouse or lodging house” has the same meaning as that term is defined in Section
20 30.70.020 of this code, or any successor legislation.

21 “Brand Boulevard Chess Park” means the site— including the chess tables, benches, 5 light
22 towers, and pedestrian passageway— located at 227 North Brand Boulevard.

23 “Business” means an entity, however organized— whether a sole proprietorship, partnership,
24 joint venture, corporation, association, or otherwise— that:

- 25 1. Is formed for a profit-making purpose; or
26 2. Has an employee.

27 “Caretaker’s residence” has the same meaning as the term “Caretaker’s residences,” which is
28 defined in Section 30.70.020 of this code, or any successor legislation.

1 “Child care facility” means an establishment or facility that:

- 2 1. Is licensed; and
- 3 2. Provides non-medical care to a person who is less than 18 years of age and in need of
4 personal services, supervision, or assistance essential for:
 - 5 a. Sustaining the activities of daily living; or
 - 6 b. Protecting the individual on less than a 24-hour basis.

7 “Cigar”:

- 8 1. Means a roll of tobacco that is:
 - 9 a. Intended to be burned or heated under ordinary conditions of use; and
 - 10 b. Wrapped in, or has a cover made of, leaf tobacco or another substance containing
11 tobacco.
- 12 2. Does not include a roll of tobacco wrapped in a substance which— because of its
13 appearance, the type of tobacco used in the filler, or its packaging and labeling— is likely
14 to be offered to, or purchased by, consumers as a cigarette.

15 “Cigarette” means a roll of tobacco or another substance, including weed, filler, or plant of any
16 kind, that is:

- 17 1. Intended to be burned or heated under ordinary conditions of use; and
- 18 2. Wrapped in, or has a cover made of, paper or another material.

19 “City building or facility”:

- 20 1. Means an area, location, place, site, property, lot, building, structure, facility, or complex
21 that the city or the Glendale Redevelopment Agency owns, controls, operates, occupies,
22 manages, or maintains.
- 23 2. Includes, but is not limited to:
 - 24 a. A restroom;
 - 25 b. An elevator, escalator, stairway, or ramp;
 - 26 c. A courtyard, plaza, lobby, atrium, patio, or landscaped area;
 - 27 d. A walkway, corridor, or hallway;
 - 28 e. A seating, waiting, or reception area;

- 1 f. A meeting or conference room, community room, or auditorium;
- 2 g. An employee's office or work cubicle;
- 3 h. An employee's break room or eating area;
- 4 i. A cafeteria or vending machine area;
- 5 j. A fire or utility access road;
- 6 k. A radio transmission or equipment site;
- 7 l. A repair or service facility, or maintenance yard;
- 8 m. A monument or memorial area;
- 9 n. City Council chambers;
- 10 o. Civic Auditorium;
- 11 p. Civic Center, including:
 - 12 i. City Hall Building, Community Services Building, Facilities Services
 - 13 trailer, General Services Building, Howard Sub-Station Building,
 - 14 Municipal Services Building, or Perkins Building;
 - 15 ii. Civic Center Parking Structure, or a standalone parking lot or structure;
 - 16 iii. Parcher Plaza, Perkins Plaza, or Civic Center War Memorial; or
 - 17 iv. A walkway or landscaped area;
- 18 q. Fire Department station, administrative office, or training center (except when
- 19 smoking is an integral part of a training exercise);
- 20 r. Glendale Water and Power:
 - 21 i. Power plant, electrical sub-station, control house, or utility operations
 - 22 center; or
 - 23 ii. Water distribution or treatment plant, sewage treatment plant, pump house,
 - 24 tank, or reservoir;
- 25 s. Police Department, police parking structure, sub-station, shooting range, or
- 26 heliport;
- 27 t. Public Works Corporate Yard, Environmental Management Center, or Integrated
- 28 Waste Management facility;

- 1 u. Scholl Canyon landfill;
- 2 v. Verdugo Job Center; or
- 3 w. Youth and Family Services office.

4 “City golf course” means a golf course that the city or the Glendale Redevelopment Agency
5 owns, controls, operates, occupies, manages, or maintains.

6 “City park”:

- 7 1. Means a mini-park, neighborhood park, community park, regional park, bikeway, trail,
8 greenbelt, developed or undeveloped parkland, open space land, open space parcel, or
9 open space area that the city or the Glendale Redevelopment Agency owns, controls,
10 operates, occupies, manages, or maintains.
- 11 2. Includes, but is not limited to:
 - 12 a. All buildings, structures, facilities, fields, or equipment within the city’s boundaries;
 - 13 b. The Central Library’s outdoor grounds; and
 - 14 c. The Brand Boulevard Chess Park.

15 “City parking lot or structure” means a parking lot or structure that the city or the Glendale
16 Redevelopment Agency owns, controls, operates, occupies, manages, or maintains.

17 “City public transit station or stop” means a public transit station or stop that the city owns,
18 controls, operates, occupies, manages, or maintains.

19 “City public transportation vehicle”:

- 20 1. Means:
 - 21 a. A vehicle for public transit that the city— or a contractor on the city’s behalf—
22 owns, controls, operates, rents, leases, or maintains; or
 - 23 b. A taxicab or other vehicle for hire that Chapter 5.84 of this code, or any successor
24 legislation, governs.
- 25 2. Includes, but is not limited to:
 - 26 a. A bus;
 - 27 b. A motor coach;
 - 28 c. A shuttle; or

1 d. A van.

2 "City recreational facility" means a recreational facility that the city owns, controls, operates,
3 occupies, manages, or maintains.

4 "City vehicle" means a vehicle that:

- 5 1. The city owns, leases, or rents; and
- 6 2. A city employee or a person drives, operates, or has control over it.

7 "Common area":

- 8 1. Means an indoor area, or outdoor area, or both, at any one or more of the following places:
 - 9 a. A shopping mall that is accessible to and usable by an occupant or customer of
10 more than one retail establishment;
 - 11 b. A boardinghouse or lodging house, dormitory or residence hall, or multi-unit
12 rental housing that is accessible to and usable by a resident or tenant of more than
13 one room or unit; or
 - 14 c. A residential condominium complex that is accessible to and usable by an owner
15 of more than one unit.
- 16 2. Includes, but is not limited to:
 - 17 a. At a shopping mall:
 - 18 i. A restroom;
 - 19 ii. An elevator, escalator, or stairway;
 - 20 iii. A courtyard, plaza, lobby, atrium, or patio;
 - 21 iv. A walkway, corridor, or hallway;
 - 22 v. A seating, waiting, or reception area;
 - 23 vi. A restaurant or eating area;
 - 24 vii. A child's play area; or
 - 25 viii. A parking lot or structure.
 - 26 b. At a boardinghouse or lodging house, dormitory or residence hall, multi-unit
27 rental housing, or residential condominium complex:
 - 28 i. A restroom;

- 1 ii. An elevator, escalator, or stairway;
- 2 iii. A courtyard, plaza, lobby, lounge, or atrium,
- 3 iv. A walkway, corridor, or hallway;
- 4 v. A seating, waiting, or reception area;
- 5 vi. A child’s play area;
- 6 vii. A patio;
- 7 viii. A laundry room;
- 8 ix. A mailbox area;
- 9 x. A gym;
- 10 xi. A recreation or game room;
- 11 xii. A library or study room;
- 12 xiii. A television, media, or computer room;
- 13 xiv. A common cooking or eating area;
- 14 xv. A swimming pool, spa, sauna, or pool deck; or
- 15 xvi. A parking lot or structure.

16 “Community center” has the same meaning as the term “Community centers,” which is defined
17 in Section 30.70.020 of this code, or any successor legislation.

18 “Community garden” has the same meaning as the term “Community gardens,” which is defined
19 in Section 30.70.020 of this code, or any successor legislation.

20 “Convention center” has the same meaning as the term “Convention centers,” which is defined in
21 Section 30.70.020 of this code, or any successor legislation.

22 “Domestic violence shelter” has the same meaning as that term is defined in Section 30.70.020
23 of this code, or any successor legislation.

24 “Dormitory or residence hall”:

- 25 1. Means a room or a unit in a building, or space in a building, that:
 - 26 a. A school, college, university, or non-profit entity owns, controls, operates,
 - 27 occupies, manages, or maintains; and

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- 1 b. Provides:
- 2 i. Permanent provisions for living and sleeping for one or more:
- 3 (A) Students of a school, college, or university; or
- 4 (B) Participants at a camp;
- 5 ii. Single or multiple occupancy accommodations;
- 6 iii. A bathroom or shared bathroom facilities; and
- 7 iv. A cafeteria, common kitchen, or communal dining area; or
- 8 v. No food or meals.

9 2. Does not include:

- 10 a. A boardinghouse or lodging house;
- 11 b. A domestic violence shelter;
- 12 c. An emergency shelter;
- 13 d. A hotel or motel;
- 14 e. A private residence; or
- 15 f. A retirement or rest home.

16 “Emergency shelter” has the same meaning as that term is defined in Section 30.70.020 of this

17 code, or any successor legislation.

18 “Employee” means one or more persons who:

- 19 1. Are employed or retained by an employer:
- 20 a. In consideration for direct or indirect monetary wages or profit; or
- 21 b. As an independent contractor; or
- 22 2. Volunteer their services for an employer or a non-profit entity.

23 “Employer” means a person or a non-profit entity that employs or retains the services of one or

24 more employees.

25 “Enclosed”:

- 26 1. Means:
- 27 a. A covered or partially covered area having more than 50% of its perimeter area
- 28 walled in or otherwise closed to the outside— regardless of material— including,

1 for example, a covered porch with more than two walls; or

2 b. A space open to the sky (“uncovered”) having more than 75% of its perimeter
3 area walled in or otherwise closed to the outside including, for example, a
4 courtyard.

5 2. Does not include an uncovered space of 3,000 square feet or more, including, for
6 example, a field in an open-air arena.

7 “Entrance / exit” means a doorway or opening—for ingress, or egress, or both— at or within any
8 one or more of the following areas, locations, places, or sites, including, but not limited to:

- 9 1. A building, room, structure, facility, or complex;
- 10 2. A public transit station or stop;
- 11 3. An outdoor dining area;
- 12 4. An outdoor event;
- 13 5. An outdoor seating area;
- 14 6. A service line;
- 15 7. A place of employment;
- 16 8. An enclosed public place;
- 17 9. A non-enclosed public place;
- 18 10. Multi-unit rental housing;
- 19 11. A residential condominium complex;
- 20 12. A common area; or
- 21 13. A street, sidewalk, walkway, or parking lot or structure.

22 “Gas station” has the same meaning as that term is defined in Section 30.70.020 of this code, or
23 any successor legislation.

24 “Golf course”:

- 25 1. Means an outdoor area of land with natural turf that:
26 a. Is designed and used for playing or practicing the game of golf; and

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1 b. Contains a series of 9 or more separate holes, each one having a tee, fairway,
2 rough, out-of-bounds area, putting green, and occasionally, one or more natural or
3 artificial hazards.

4 2. Includes a practice green, driving range, or chip-and-putt course.

5 3. Does not include a miniature golf course.

6 “Gym or health club” has the same meaning as the term “Gyms and health clubs,” which is
7 defined in Section 30.70.020 of this code, or any successor legislation.

8 “Health care or medical care facility”:

9 1. Means:

10 a. A clinic or a health facility that is licensed, or is exempt from licensure, under
11 California Health and Safety Code Sections 1204, 1206, and 1250, or any
12 successor legislation.

13 b. A facility or place where a physician, surgeon, chiropractor, podiatrist, osteopath,
14 acupuncturist, physical therapist, or another person licensed under California’s
15 Medical Practice Act (Business and Professions Code, Chapter 5, Sections 2000
16 to 2521, or any successor legislation) provides diagnosis, care, prevention, or
17 treatment of human illness, whether physical or mental.

18 2. Includes, but is not limited to:

19 a. A doctor’s office;

20 b. A dentist’s office;

21 c. A psychiatrist’s office;

22 d. A chiropractor’s office;

23 e. A physical therapy facility;

24 f. A hospital;

25 g. A surgery center;

26 h. An x-ray facility;

27 i. A diagnostic laboratory;

28 j. An infertility treatment center; or

1 k. An out-patient care facility.

2 “Hotel or motel”:

- 3 1. Has the same meaning as that term is defined in Section 30.70.020 of this code, or any
4 successor legislation.
- 5 2. Includes, but is not limited to:
- 6 a. A registration or check-out area;
- 7 b. A courtyard, plaza, lobby, lounge, or atrium; or
- 8 c. A seating, waiting, or reception area.

9 “House of worship”:

10 1. Means:

- 11 a. A building or structure, including its grounds, on one contiguous property:
- 12 i. That is used primarily and regularly by an association of persons for:
- 13 (A) The advancement of a religion; and
- 14 (B) The conduct of religious worship, services, rites, or education; and
- 15 ii. Whose governing or operating entity:
- 16 (A) Is exempt from taxation under the United States Internal Revenue
17 Code’s provisions;
- 18 (B) Has established its organization’s permanent existence and
19 continuity; and
- 20 (C) Has a current and valid:
- 21 (1) Zoning use certificate from the city, issued for the
22 classification “places of worship,” which is defined in Section
23 30.70.020 of this code, or any successor legislation; or
- 24 (2) Certificate of use and occupancy from the city, as a “church”
25 or issued for the classification “places of worship”; or
- 26 (D) Is entitled to a zoning use certificate from the city, issued for the
27 classification “places of worship.”

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1 2. Includes, but is not limited to, other areas or places within the premises:

- 2 a. A garden, shrine, or sanctuary;
- 3 b. An auditorium;
- 4 c. A meeting room;
- 5 d. An assembly space;
- 6 e. A recreation room;
- 7 f. A classroom;
- 8 g. A library; or
- 9 h. An administrative office.

10 “International ‘No Smoking’ symbol” means the pictorial representation of a burning cigarette
11 inside a red circle and crossed by a red bar, all of which contrasts against the background material.

12 “Landlord” means a person— other than a sublessor— who:

- 13 1. Owns real property leased as residential property;
- 14 2. Lets residential property; or
- 15 3. Manages the property.

16 “Legible” means, in the context of a “No Smoking” sign and “Smoking Permitted” sign, capable
17 of being read, without visual aid, by a person with normal visual acuity who views the sign at a distance
18 of 5 feet away from it.

19 “Library” has the same meaning as the term “Libraries,” which is defined in Section 30.70.020
20 of this code, or any successor legislation.

21 “Limited residential congregate care facility” has the same meaning as the term “Residential
22 congregate care facilities, limited,” which is defined in Section 30.70.020 of this code, or any successor
23 legislation.

24 “Lot area” has the same meaning as that term is defined in Section 30.70.020 of this code, or any
25 successor legislation.

26 “Monument or memorial area” means an enclosed or non-enclosed area, open to the general
27 public, where a permanently installed or affixed object— including, but not limited to, a statue, bust,
28 sculpture, work of art, portrait, photograph, sign, tablet, or plaque— commemorates, honors, or pay

1 tributes to one or more persons or an event.

2 “Motion picture theater”:

- 3 1. Means an establishment— regardless of what it is formally called, whether a movie theater,
4 cinema, screening room, picture or movie house, picture or movie palace, adult movie
5 theater, drive-in theater, multiplex, megaplex, cineplex, multi-screen cinema, or otherwise:
 - 6 a. With one or more auditoriums, halls, rooms, areas, or places that are designed and
7 used for exhibiting a motion picture, or a visual or audiovisual work— regardless of:
 - 8 i. Its length or content; or
 - 9 ii. The technology used to record, store, distribute, transmit, or exhibit it;
 - 10 b. That is open to the general public, or is closed to the public for a private function; and
 - 11 c. Has a current and valid zoning use certificate or certificate of use and occupancy
12 from the city.
- 13 2. Does not include a motion picture exhibited in a private residence, such as a home theater.

14 “Multi-unit rental housing”:

- 15 1. Means one or more buildings on the same lot that contain two or more units rented, or
16 available for rent, which:
 - 17 a. Provide complete, independent living facilities, including permanent provisions
18 for living, sleeping, eating, cooking, and sanitation; and
 - 19 b. The building’s landlord does not occupy.
- 20 2. Does not include a residential condominium complex.

21 “Museum” has the same meaning as the term “Museums,” which is defined in Section 30.70.020
22 of this code, or any successor legislation.

23 “Nightclub” has the same meaning as the term “Nightclubs,” which is defined in Section
24 30.70.020 of this code, or any successor legislation.

25 “No Smoking’ sign” means a sign or placard that:

- 26 1. Indicates to the person viewing it that smoking, as defined in this chapter, is prohibited; and
- 27 2. Meets the requirements of Section 8.52.210(D) of this chapter.

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1 “Non-enclosed”:

- 2 1. Means a predominantly outdoor area that does not meet this chapter’s definition of
3 “enclosed”.
4 2. Includes, but is not limited to:
5 a. An outdoor dining area;
6 b. An outdoor event;
7 c. An outdoor seating area;
8 d. A public transit station or stop; or
9 e. A service line.

10 “Non-profit entity”:

- 11 1. Means an entity— or a corporation, unincorporated association, or other entity however
12 organized— that is exempt from taxation under the United States Internal Revenue
13 Code’s provisions, and whose:
14 a. Purpose or objective is primarily benevolent, charitable, religious, philanthropic,
15 educational, intellectual, athletic, fraternal, character-building, political, or social; and
16 b. Net proceeds from its operations are committed to promoting the entity’s
17 objectives or purposes, rather than to achieving private gain.
18 2. Does not include a public entity.

19 “Office” has the same meaning as that term is defined in Section 30.70.020 of this code, or any
20 successor legislation.

21 “Outdoor balcony or patio”:

- 22 1. Means an outdoor area or space that is:
23 a. Attached or unattached to:
24 i. A smoking unit or non-smoking unit in multi-unit rental housing; or
25 ii. A residential condominium unit;
26 b. At ground level or raised above the ground;
27 c. Open to the air at all times; and

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1 d. Either:

2 i. With a roof or overhead covering, and with not more than two walls or
3 side coverings; or

4 ii. Without a roof or overhead covering, regardless of the number of walls or
5 side coverings.

6 2. Includes, but is not limited to, a deck or porch.

7 “Outdoor event” means an activity, ceremony, event, fair, function, gathering, meeting, pageant,
8 or program— whether athletic, civic, cultural, charitable, community, entertainment, intellectual,
9 recreational, or social— that:

10 1. Is open to the general public;

11 2. Takes place outside of an enclosed structure or building; and

12 3. A person, employer, business, non-profit entity, or the city sponsors, hosts, organizes, or
13 operates.

14 “Outdoor dining area”:

15 1. Means a non-enclosed area— open to the general public, or closed to the public for a
16 private function— where food, or beverage, or both, are offered, served, or consumed,
17 regardless of whether compensation is offered or given in exchange.

18 2. Includes, but is not limited to:

19 a. A restaurant, or a bar, or both;

20 b. A standing area;

21 c. A seating area; or

22 d. A patio area.

23 3. Does not include an outdoor dining area at a private residence.

24 “Outdoor seating area” means bleachers, benches, or seats, located outdoors, that are:

25 1. Permanently affixed, temporarily placed, or otherwise;

26 2. Next to, in front of, facing, or opposite:

27 a. A stage, platform, bandstand, or performing or speaking area; or

28 b. A playing field, track, court, diamond, or area for sports or athletics; and

1 3. Provided for an audience, viewers, spectators, or participants of an event.

2 “Parking lot or structure”:

3 1. Means an area, site, lot, building, structure, garage, facility, or complex where a person
4 parks or stores a vehicle.

5 2. Does not include:

6 a. A parking space on a street;

7 b. A driveway to, or a garage at, a private residence; or

8 c. A residential condominium complex parking lot or structure that is for its owners’
9 and their guests’ exclusive use, unless that parking lot or structure also is open or
10 accessible to the general public.

11 “Person” means an individual, company, firm, organization, association, trust, estate,
12 partnership, corporation, limited liability company, or entity however organized.

13 “Physical barrier” means one or more materials, devices, or objects— including, but not limited
14 to, walls, partitions, doors, or membranes— that:

15 1. Separate a designated smoking permitted area from a non-smoking area in:

16 a. An outdoor dining area; or

17 b. A smokers’ lounge;

18 2. Are impenetrable by, or are impervious to, secondhand smoke;

19 3. Prevent secondhand smoke from escaping and migrating into:

20 a. One or more non-smoking areas located on the same premises as:

21 i. The outdoor dining area’s designated smoking permitted area; or

22 ii. The smokers’ lounge; and

23 b. An adjacent area or location— listed in Section 8.52.040(A), 8.52.050, 8.52.060,
24 8.52.070, or 8.52.080 of this chapter— that is within a 20 foot distance from:

25 i. The outdoor dining area’s designated smoking permitted area; or

26 ii. The smokers’ lounge; and

27 4. Meet all standards and requirements in the Glendale Building and Safety Code, or any
28 successor legislation.

1 “Place of employment”:

- 2 1. Means an area under the legal or de facto control of an employer, business, or non-profit
3 entity that an employee or the general public may enter in the normal course of
4 operations, regardless of the hours of operation.
- 5 2. Includes, but is not limited to:
- 6 a. An office or work cubicle;
 - 7 b. An indoor or outdoor work area;
 - 8 c. A construction site;
 - 9 d. A vehicle used in employment or for a business purpose;
 - 10 e. An employee lounge;
 - 11 f. A conference room;
 - 12 g. A banquet room;
 - 13 h. A bingo or game facility;
 - 14 i. An adult day care facility;
 - 15 j. A child care facility;
 - 16 k. A health care or medical care facility;
 - 17 l. A residential congregate care facility;
 - 18 m. A limited residential congregate care facility;
 - 19 n. A warehouse; or
 - 20 o. A parking lot or structure.

21 “Playground”:

- 22 1. Means an indoor or outdoor area, location, place, site, property, lot, building, structure,
23 facility, or complex that:
- 24 a. Is designed partially or entirely for a child’s use; and
 - 25 b. Has play or sports equipment installed; or
 - 26 c. Has been designated or landscaped for play or sports activities.
- 27 2. Includes, but is not limited to:
- 28 a. A school playground; or

1 b. A park playground.

2 “Premises” has the same meaning as that term is defined in Section 1.04.020 of this code, or any
3 successor legislation.

4 “Private golf course” means an establishment that:

- 5 1. Owns, controls, operates, occupies, manages, or maintains a golf course;
- 6 2. Restricts membership, seeking members by an invitation or application;
- 7 3. Requires payment of one or more fees or dues for membership admission;
- 8 4. Allows only members and their guests to use the golf course; and
- 9 5. Does not allow the general public to use the golf course, even upon payment of a nominal
10 use or access fee.

11 “Private residence”:

- 12 1. Means a detached building that:
 - 13 a. Is designed exclusively for occupancy by 1 person or household; and
 - 14 b. Provides complete, independent living facilities, including permanent provisions
15 for sleeping, eating, cooking, and sanitation.
- 16 2. Includes, but is not limited to:
 - 17 a. An accessory living quarters or guest house.
 - 18 b. A yard, grounds, walkway, stairs, porch, balcony, patio, driveway, or garage.
 - 19 c. An accessory use that Title 30 of this code, or any successor legislation, authorizes.

20 “Private vehicle” means a vehicle that:

- 21 1. A person— other than the city— owns, rents, leases, or otherwise lawfully possesses or
22 controls; and
- 23 2. Is not a public transportation vehicle.

24 “Property line” means the demarcation, or the line along the ground surface and its vertical
25 extension, that separates a parcel of real property from: a public right-of-way, or another contiguous
26 parcel of real property, or both. The demarcation or line may be:

- 27 1. Delineated by an identifiable natural or man-made feature, including, for example, the
28 place where a sidewalk abuts either a front lawn of a home or a parking lot of a business; or

1 2. Depicted or described on a map, plat, or record of the Los Angeles County Assessor or
2 Los Angeles County Registrar-Recorder/County Clerk.

3 “Public entity” has the same meaning as that term is defined in California Government Code
4 Section 811.2, or any successor legislation.

5 “Public place”:

6 1. Means an area, location, place, site, property, lot, building, structure, facility, or
7 complex— public or private— that is open or accessible to the general public, regardless
8 of any fee or age requirement.

9 2. Includes, but is not limited to:

- 10 a. A bar, restaurant, or banquet hall;
- 11 b. A club or nightclub;
- 12 c. A store, shopping mall, or shopping center;
- 13 d. A business or office;
- 14 e. A bank or credit union;
- 15 f. A supermarket;
- 16 g. A pharmacy;
- 17 h. A barber shop or beauty salon;
- 18 i. A laundromat;
- 19 j. A convention center, meeting or conference room, or auditorium;
- 20 k. An arboretum or botanical garden;
- 21 l. A museum, gallery, or library;
- 22 m. A stadium or sporting facility;
- 23 n. A park, playground, or recreational facility;
- 24 o. A gym or health club;
- 25 p. A restroom;
- 26 q. A common area of a boardinghouse or lodging house;
- 27 r. A common area of a dormitory or residence hall;
- 28 s. A domestic violence shelter;

- 1 t. An emergency shelter;
- 2 u. A hotel or motel;
- 3 v. A retirement or rest home;
- 4 w. An adult day care facility;
- 5 x. A child care facility;
- 6 y. A health care or medical care facility;
- 7 z. A residential congregate care facility;
- 8 aa. A limited residential congregate care facility;
- 9 bb. A gas station, automobile service station, or car wash;
- 10 cc. A vehicle dealership;
- 11 dd. A retail or wholesale tobacco store;
- 12 ee. A theater;
- 13 ff. A motion picture theater;
- 14 gg. A service line;
- 15 hh. A polling place;
- 16 ii. An elevator, escalator, or stairway;
- 17 jj. A courtyard, plaza, lobby, atrium, or patio;
- 18 kk. A walkway, corridor, or hallway;
- 19 ll. A seating, waiting, or reception area;
- 20 mm. A parking lot or structure;
- 21 nn. A street; or
- 22 oo. A sidewalk.

23 “Public right-of-way”:

- 24 1. Means a strip or area of land which by written instrument, usage, or process of law is
- 25 reserved for or dedicated to the public use for one or more purposes, such as pedestrian or
- 26 vehicular travel, utilities, or improvements.
- 27 2. Includes, but is not limited to:
- 28 a. A street;

- b. A storm drain;
- c. A planter strip (“parkway”); or
- d. A sidewalk.

“Public transit station or stop”:

- 1. Means an enclosed or non-enclosed platform, sidewalk, shelter, bench, or area where people wait for public transportation, such as a train, bus, shuttle, or taxicab.
- 2. Includes, but is not limited to, an ancillary area, such as:
 - a. A restroom;
 - b. A ticket or vending machine;
 - c. A kiosk area;
 - d. A bicycle parking area;
 - e. A storage locker area; or
 - f. A pedestrian path or walkway.

“Recreational facility”:

- 1. Means an indoor or outdoor area, location, place, site, property, lot, building, structure, facility, or complex that is open to the general public for one or more recreational or sport activities or purposes, regardless of a fee for admission or use.
- 2. Includes, but is not limited to:
 - a. A playground, or a child’s play equipment or play area;
 - b. A playing field, track, diamond, or area for sports or athletics;
 - c. A basketball, volleyball, handball, shuffleboard, lawn bowling, badminton, tennis, or paddle tennis court;
 - d. A bowling alley;
 - e. A batting cage;
 - f. A skateboard, ice or roller skating, or inline skating area;
 - g. A bicycle path or mountain bike area;
 - h. A motocross, supercross, or supermoto area;

- 1 i. A swimming pool or aquatics facility, spa, or sauna and an area for dressing or
- 2 showering;
- 3 j. A gymnasium and an area for dressing or showering;
- 4 k. A miniature golf course;
- 5 l. A camp;
- 6 m. A community center;
- 7 n. A community garden;
- 8 o. A dance area;
- 9 p. An arcade establishment;
- 10 q. A billiard establishment; or
- 11 r. A game area.

12 “Residential condominium complex” has the same meaning as the term “residential
13 condominium project,” which is defined in California Civil Code Section 1351(f), or any successor
14 legislation.

15 “Residential condominium unit” has the same meaning as the term “separate interest,” which is
16 defined in California Civil Code Section 1351(1)(2), or any successor legislation.

17 “Residential congregate care facility” has the same meaning as the term “Residential congregate
18 care facilities,” which is defined in Section 30.70.020 of this code, or any successor legislation.

19 “Restaurant”:

- 20 1. Means an establishment where food, or beverage, or both, or are offered, served, or
- 21 consumed— regardless of whether compensation is offered or given in exchange.
- 22 2. Includes, but is not limited to:
 - 23 a. A coffee shop;
 - 24 b. A cafeteria;
 - 25 c. A grill;
 - 26 d. A sandwich stand or kiosk;
 - 27 e. A fast food operator;
 - 28 f. A food court;

- 1 g. A school cafeteria;
- 2 h. A banquet hall; or
- 3 i. A catering facility, or an establishment where food is prepared on the premises for
4 serving elsewhere.

5 “Retail or wholesale tobacco store”:

- 6 1. Means an establishment that in public view, sells or offers for sale— or exchanges or
7 offers to exchange for any form of consideration— tobacco, a tobacco product, or
8 tobacco paraphernalia.
- 9 2. Includes a store that distributes free, or a low cost sample of, a tobacco product or
10 tobacco paraphernalia, or both.
- 11 3. Does not include a store that serves or sells food, or beverage, or both.

12 “Retail store” has the same meaning as the term “Retail stores, general merchandise,” which is
13 defined in Section 30.70.020 of this code, or any successor legislation.

14 “Retirement or rest home” has the same meaning as that term is defined in Section 30.70.020 of
15 this code, or any successor legislation.

16 “School”:

- 17 1. Means:
 - 18 a. A public or private institution of learning for children, or adults, or both; and
 - 19 b. The buildings and the grounds.
- 20 2. Includes, but is not limited to:
 - 21 a. Pre-school;
 - 22 b. Kindergarten; and
 - 23 c. Grades 1 through 12.
- 24 3. Does not include:
 - 25 a. An adult education school;
 - 26 b. A continuation high school;
 - 27 c. A vocational, technical, or professional school; or
 - 28 d. A college or university.

1 “Secondhand smoke” means:

- 2 1. Smoke or other emissions released from an ignited, heated, burning, smoldering, or
3 idling:
4 a. Cigarette, bidi, or cigar, or
5 b. Tobacco product, weed, filler, or plant of any kind within a pipe, water pipe,
6 apparatus, device, or instrument.
7 2. Exhaled smoke.

8 “Service line”:

- 9 1. Means a line, area, or place— public or private— at which one or more persons are
10 waiting for a transaction, entry, exit, or service of any kind, regardless of whether:
11 a. An exchange of money occurs; or
12 b. A person is standing or seated.
13 2. Includes, but is not limited to:
14 a. An automated teller machine;
15 b. A bank teller window;
16 c. A telephone;
17 d. An information kiosk;
18 e. A ticket line;
19 f. A food, beverage, or merchandise line;
20 g. A vending machine;
21 h. A car wash cashier or waiting area;
22 i. A bus stop;
23 j. A taxicab stand; or
24 k. A valet parking drop-off or pick-up area.

25 “Shopping mall” means one or more parcels of land with one or more multi-tenant commercial
26 buildings substantially developed as one project or development, where more than 50% of the floor area
27 is occupied by those uses categorized as retail or service in Chapter 30.12 of this code, or any successor
28 legislation.

1 “Shopping mall’s enclosed building area”:

- 2 1. Means the aggregate gross square footage of all enclosed buildings in a shopping mall, as
3 shown on a record of the Los Angeles County Assessor’s office or the city’s building
4 department, and if the city’s record contains a different gross square footage than the
5 county’s record, the city’s record prevails.
- 6 2. Does not include:
- 7 a. The gross square footage of a residential use within an enclosed mixed-use
8 building; or
- 9 b. A parking lot or structure.

10 “Sidewalk” means that portion of a street, whether paved or unpaved, provided for pedestrian
11 travel.

12 “Smoke” or “smoking”:

- 13 1. Means the act of:
- 14 a. Igniting, heating, or burning:
- 15 i. A cigarette, bidi, or cigar; or
- 16 ii. A tobacco product, weed, filler, or plant of any kind within a pipe, water
17 pipe, apparatus, device, or instrument;
- 18 b. Carrying or possessing an ignited, heated, or burning:
- 19 i. Cigarette, bidi, or cigar; or
- 20 ii. Tobacco product, weed, filler, or plant of any kind within a pipe, water
21 pipe, apparatus, device, or instrument; or
- 22 c. Exhaling, or allowing emissions to diffuse into the air from, an ignited, heated, or
23 burning:
- 24 i. Cigarette, bidi, or cigar; or
- 25 ii. Tobacco product, weed, filler, or plant of any kind within a pipe, water
26 pipe, apparatus, device, or instrument.
- 27 2. Does not include emissions released from combustion by any one or more of the
28 following appliances, devices, instruments, or products:

- 1 a. A smudge bowl or stick, incense burner, thurible, or censer when a person uses it
2 for a recognized religious rite, practice, or observance.
- 3 b. A ceremonial pipe containing a tobacco product, weed, filler, or plant of any kind
4 when a Native American or Alaska Native uses the pipe for a traditional rite,
5 practice, or observance— whether cultural, ceremonial, or religious— in
6 accordance with the federal American Indian Religious Freedom Act, 42 U.S.C.
7 1996 and 1996a, or any successor legislation.
- 8 c. Incense.
- 9 d. A fireplace or fire pit when a person uses it with a weed or plant for heating,
10 cooking food, illumination, or ambiance.
- 11 e. A barbecue, grill, smoker, or stove when a person uses it with a weed or plant for
12 cooking, flavoring, or preserving food.
- 13 f. A moxa cone or stick when an acupuncturist— who is licensed or is exempt from
14 licensure, under California Business and Professions Code, Chapter 12, Sections
15 4935 to 4949, or any successor legislation— uses it for moxibustion treatment, or
16 acupuncture treatment, or both.

17 “Smokers’ lounge” means a retail or wholesale tobacco store, open to the general public, within
18 which a person may smoke— regardless of what it is formally called, whether a cigarette, cigar, hookah,
19 narghile, sheesha, or tobacco club, lounge, bar, café, den, or otherwise.

20 “Smoker’s waste receptacle”:

- 21 1. Means an on-site container or receptacle that is specifically designated for discarding or
22 disposing of a cigarette, bidi, cigar, or tobacco product.
- 23 2. Does not include a container or receptacle for trash or recycling.

24 “Smoking permitted area” means the area, location, place, or site— identified by a posted “Smoking
25 Permitted” sign— that is cordoned off or specifically designated, within which a person may smoke.

26 ““Smoking Permitted’ sign” means a sign or placard that:

- 27 1. Indicates to the person viewing it that the person may lawfully smoke within a smoking
28 permitted area; and

1 2. Meets the requirements of Section 8.52.210(D) of this chapter.

2 “Stage” means a designated area or space— whether on a raised platform, at floor-level, or
3 otherwise— within which an actor or performer gives a live performance at a theater.

4 “Street”:

5 1. Means a way or place, of whatever nature, open to the general public’s use as a matter of
6 right for vehicular travel or, in the case of a sidewalk, for pedestrian travel.

7 2. Includes, but is not limited to:

8 a. A traffic lane;

9 b. A parking lane;

10 c. A curb area;

11 d. A sidewalk;

12 e. A parkway; or

13 f. Any other area found within the public right-of-way, regardless of what it is
14 formally called, whether alley, avenue, court, highway, road, or otherwise.

15 “Theater”:

16 1. Means an establishment— regardless of what it is formally called, whether a playhouse,
17 amphitheater, arena theater, theater-in-the-round, opera house, concert hall, odeum, or
18 otherwise:

19 a. With one or more auditoriums, halls, rooms, areas, or places that:

20 i. Are designed and used for exhibiting a live performance;

21 ii. Have a stage;

22 iii. Have 40 or more fixed, individual seats which:

23 (A) Are permanently fastened to the floor;

24 (B) Are arranged in ascending, tiered, or off-set rows from the stage to
25 the rear or side, or rear and side, of the premises; and

26 (C) Face the stage and give the audience an unobstructed view of it;

27 iv. Are not designed or used to circumvent this chapter, where, for example,
28 an owner, manager, or person in charge or control of a bar or a restaurant

1 sets up a stage or an area from which one or more customers or guests
2 perform, impromptu or otherwise;

- 3 b. Is open to the general public, or are closed to the public for a private function; and
4 c. Has a current and valid zoning use certificate or certificate of use and occupancy
5 from the city.

6 2. Includes, but is not limited to, other areas or places within the premises:

- 7 a. A backstage or offstage;
8 b. A rehearsal room;
9 c. A lighting, sound, projection, or production booth;
10 d. An orchestra pit;
11 e. A dressing room;
12 f. An area for constructing or storing a set, prop, or costume;
13 g. A lobby;
14 h. A box office or ticket sales area;
15 i. A food, beverage, or merchandise area; or
16 j. A restroom.

17 “Tobacco paraphernalia”:

18 1. Means an apparatus, device, instrument, product, or object designed or used for smoking,
19 consuming, ingesting, preparing, or storing tobacco or a tobacco product.

20 2. Includes, but is not limited to:

- 21 a. A cigarette wrapper or paper;
22 b. A cigarette or cigar rolling machine;
23 c. A cigarette holder; or
24 d. A pipe or water pipe.

25 “Tobacco product”:

26 1. Means:

- 27 a. Any substance or product containing tobacco leaf, or any other preparation of
28 tobacco, including, but not limited to:

- i. A cigarette;
- ii. A cigar;
- iii. Pipe tobacco;
- iv. Snuff;
- v. Chewing tobacco;
- vi. Dipping tobacco;
- vii. Hookah tobacco;
- viii. Smokeless tobacco; or
- ix. Bidis.

b. Any product or formulation of matter that:

- i. Contains a biologically active amount of nicotine; and
- ii. Is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body.

2. Includes all parts and materials, such as: the paper, filter, filter wrapper, over-wrapper, rod, portion pouch, or similar matter, even if sold separately.

3. Does not include tobacco that has not been processed or prepared for human use.

“Vehicle” has the same meaning as that term is defined in California Vehicle Code Section 670, or any successor legislation.

“Vehicle dealership” has the same meaning as that term is defined in Section 30.70.020 of this code, or any successor legislation.

“Visible” means, in the context of a “No Smoking” sign and “Smoking Permitted” sign, capable of being seen, without visual aid, by a person with normal visual acuity.

“Water pipe”:

1. Means an apparatus, including a pipe, for smoking, in which the smoke is drawn through water or another liquid before it is inhaled.

2. Includes, but is not limited to:

- a. An arghileh;
- b. A bong;

- c. A ghalyan;
- d. A hookah;
- e. A hubble-bubble;
- f. A kalyan;
- g. A narghile;
- h. An okka; or
- i. A shisha.

SECTION 3. Section 8.52.040 of the Glendale Municipal Code, 1995, is amended to read as follows:

8.52.040 Smoking prohibited on city property; in city vehicles and public transportation vehicles; at city public transit stations.

- A. Except as this chapter, federal law, or state law provides, no person shall smoke:
 - 1. In:
 - a. A city building or facility.
 - b. A city park.
 - c. A city recreational facility.
 - d. A city golf course.
 - e. A city parking lot or structure.
 - f. A city vehicle.
 - g. A city public transportation vehicle.
 - h. A city public transit station or stop.
 - i. A service line at an area or a location listed in subsection A(1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section.
 - 2. Within a 20 foot distance from:
 - a. An entrance / exit, open window, or air intake vent to:
 - i. A city building or facility.
 - ii. A city parking lot or structure.

1 iii. A service line at an area or a location listed in subsection A(1)(a),
2 (b), (c), (d), (e), (f), (g), or (h) of this section.

3 b. The property line of:

- 4 i. A city park.
- 5 ii. A city recreational facility.
- 6 iii. A city golf course.

7 B. The city manager, or a designee, may prepare, adopt, amend, repeal, and enforce rules,
8 regulations, or procedures to implement and administer this section.

9
10 **SECTION 4.** Section 8.52.050 of the Glendale Municipal Code, 1995, is amended to read as
11 follows:

12 **8.52.050 Smoking prohibited in places of employment.**

13 Except as this chapter, federal law, or state law provides, no person shall smoke:

14 A. In a place of employment.

15 B. Within a 20 foot distance from an entrance / exit, open window, or air intake vent to a
16 place of employment.

17
18 **SECTION 5.** Section 8.52.060 of the Glendale Municipal Code, 1995, is amended to read as
19 follows:

20 **8.52.060 Smoking prohibited in enclosed public places.**

21 Except as this chapter, federal law, or state law provides, no person shall smoke in, or within a
22 20 foot distance from:

23 A. An enclosed public place.

24 B. An entrance / exit, open window, or air intake vent to an enclosed public place.

25 C. A service line at an enclosed public place.

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1 **SECTION 6.** Section 8.52.070 of the Glendale Municipal Code, 1995, is amended to read as
2 follows:

3 **8.52.070 Smoking prohibited in non-enclosed public places.**

4 A. Except as this chapter, federal law, or state law provides, no person shall smoke in, or
5 within a 20 foot distance from:

- 6 1. A non-enclosed public place.
- 7 2. An outdoor dining area.
- 8 3. An outdoor event.
- 9 4. An outdoor seating area.
- 10 5. A public transit station or stop.
- 11 6. A service line at an area or a location listed in subsection A(1), (2), (3), (4), or (5)
12 of this section.

13 B. Except as this chapter, federal law, or state law provides, no person shall smoke within a
14 20 foot distance from the property line of a school.

15
16 **SECTION 7.** Section 8.52.080 of the Glendale Municipal Code, 1995, is amended to read as
17 follows:

18 **8.52.080 Smoking prohibited in common areas of multi-unit rental housing and residential**
19 **condominium complex, and on outdoor balcony or patio of unit.**

20 A. Except as this chapter, federal law, or state law provides, no person shall smoke in, or
21 within a 20 foot distance from:

- 22 1. A common area of:
 - 23 a. Multi-unit rental housing.
 - 24 b. A residential condominium complex.
- 25 2. An entrance / exit, open window, or air intake vent to:
 - 26 a. Multi-unit rental housing.
 - 27 b. A residential condominium complex.

28 ///

1 B. Except as this chapter, federal law, or state law provides, no person shall smoke on or
2 within an outdoor balcony or patio of:

- 3 1. A smoking unit or non-smoking unit in multi-unit rental housing.
- 4 2. A residential condominium unit.

5
6 **SECTION 8.** Section 8.52.090 of the Glendale Municipal Code, 1995, is amended to read as
7 follows:

8 **8.52.090 Other prohibited acts— Aiding or abetting; disposal of smoking waste; reprisal;**
9 **and sign removal.**

10 A. No person shall cause, permit, allow, aid, abet, or conceal a violation of any one or more
11 of this chapter's provisions.

12 B. Except in a smoker's waste receptacle, no person shall place, discard, or dispose of
13 smoking waste in or upon:

- 14 1. An area or a location listed in Section 8.52.040(A), 8.52.050, 8.52.060, 8.52.070,
15 or 8.52.080 of this chapter.
- 16 2. A street.
- 17 3. A sidewalk.

18 C. No person shall place or maintain, or allow the placing or maintaining of, a smoker's
19 waste receptacle in an area or a location listed in Section 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, or
20 8.52.080 of this chapter, except as may be necessary to encourage compliance with this chapter, federal
21 law, or state law.

22 D. No person shall intimidate, threaten or effect a reprisal, or retaliate against another person
23 who seeks to attain compliance with one or more of this chapter's provisions.

24 E. No person shall alter, deface, obscure, remove, or destroy a sign or placard that this
25 chapter authorizes.

26 ///
27 ///
28 ///

1 **SECTION 9.** Section 8.52.100 of the Glendale Municipal Code, 1995, is amended to read as
2 follows:

3 **8.52.100 Multi-unit rental housing— Landlord’s disclosures to prospective tenant; posting**
4 **diagram of smoking and non-smoking rental units; and record inspection.**

5 A. Before a prospective tenant signs a lease or rental agreement for a unit for rent within
6 multi-unit rental housing, the landlord shall:

- 7 1. Disclose to the prospective tenant whether:
 - 8 a. Smoking is permitted in the unit for rent; and
 - 9 b. The unit for rent was designated as a smoking or non-smoking unit for the
10 tenant last residing in it.
- 11 2. Provide the prospective tenant with a site plan that shows:
 - 12 a. The position of the unit for rent, smoking units, and non-smoking units—
13 relative to one another— in the building or complex; and
 - 14 b. The location of:
 - 15 i. All common areas of multi-unit rental housing where smoking is
16 prohibited; and
 - 17 ii. Any smoking permitted area.

18 B. When a tenant signs a lease or rental agreement for a unit within multi-unit rental
19 housing:

- 20 1. The landlord shall attach as an exhibit to each copy of the lease or rental
21 agreement the site plan described in subsection A(2) of this section;
- 22 2. The tenant shall acknowledge having received the site plan, by initialing or
23 signing it; and
- 24 3. The landlord shall maintain a copy of the lease or rental agreement:
 - 25 a. For each tenant who leases or rents a smoking unit or non-smoking unit;
26 and
 - 27 b. While the tenant leases or rents the unit, and for 2 years after the date on
28 which the tenant vacates the unit.

1 C. A landlord shall post a diagram— which contains the requisite information, and which is
2 positioned at the designated place, specified by subsection 2, Section 14.2, Volume VII of the Glendale
3 Building and Safety Code, 2008, or any successor legislation— showing the location of:

- 4 1. Smoking units and non-smoking units, relative to one another, in the building or
5 complex; and
- 6 2. A smoking permitted area authorized under Section 8.52.130 of this chapter.

7 D. A landlord shall permit the neighborhood services administrator, or a designee, at any
8 time, to examine and copy:

- 9 1. The site plan that subsection (A)(2) of this section requires; and
- 10 2. The lease or rental agreement that subsection (B)(3) of this section requires.

11
12 **SECTION 10.** Section 8.52.110 is of the Glendale Municipal Code, 1995, is amended to read
13 as follows:

14 **8.52.110 Public places where smoking is permitted.**

15 Smoking is permitted in the following locations within the city, unless federal law or state law
16 prohibits it:

17 A. A private residence, except during the period when it is operated or used as:

- 18 1. An adult day care facility;
- 19 2. A child care facility;
- 20 3. A health care or medical care facility;
- 21 4. A residential congregate care facility; or
- 22 5. A limited residential congregate care facility.

23 B. A house of worship, except for the portion of its premises on which the following use
24 occurs and during the period when the portion of the premises is operated or used as:

- 25 1. An adult day care facility;
- 26 2. A child care facility; or
- 27 3. A school.

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- 1 C. A private residence located adjacent to, or within a 20 foot distance from, a school.
- 2 D. A boardinghouse or lodging house.
- 3 E. A caretaker's residence on private property.
- 4 F. A dormitory or residence hall.
- 5 G. A private vehicle.
- 6 H. A private golf course.
- 7 I. A street or sidewalk, except when within a 20 foot distance from an area or a location
- 8 listed in Section 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, or 8.52.080 of this chapter.
- 9 J. A smoking permitted area that the city manager, or a designee, may designate within an
- 10 area or a location listed in Section 8.52.040(A) of this chapter.

11
12 **SECTION 11.** Section 8.52.120 of the Glendale Municipal Code, 1995, is amended to read as
13 follows:

14 **8.52.120 Outdoor dining area— Smoking permitted area.**

15 A. Even though Sections 8.52.050 and 8.52.070 of this chapter prohibit smoking in an
16 outdoor dining area, an owner, manager, or person in charge or control of an outdoor dining area may
17 designate a portion of the premises' adjoining outdoor area as a smoking permitted area, when the
18 designated smoking permitted area meets all of the requirements listed in subsection B of this section.

19 B. A designated smoking permitted area:

- 20 1. Must represent a separate and discrete area of the outdoor dining area;
- 21 2. Must have a clearly marked boundary by using one or more of the following
- 22 means, including, but not limited to:
 - 23 a. A rope and stanchions;
 - 24 b. A knee or half wall;
 - 25 c. A row of plant containers;
 - 26 d. Tables and chairs of a specific color; or
 - 27 e. A painted line, except on property that the city or the Glendale Redevelopment
 - 28 Agency owns, controls, operates, occupies, manages, or maintains;

- 1 3. Must be identified by one or more posted “Smoking Permitted” signs;
- 2 4. Must not comprise more than 25% of the premises’ total outdoor seating capacity,
- 3 calculating any fraction or partial number downward to the nearest whole number;
- 4 5. Must have all tables and chairs:
 - 5 a. Located:
 - 6 i. Inside of a physical barrier; or
 - 7 ii. The greatest distance practicable, but at least 10 feet away, from all
 - 8 tables and chairs in the indoor and outdoor non-smoking areas,
 - 9 measured from the clearly marked boundary described in
 - 10 subsection B(2) of this section; and
 - 11 iii. At least 20 feet away from an adjacent area or location— listed in
 - 12 Section 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, or 8.52.080 of
 - 13 this chapter— where smoking is prohibited; and
 - 14 b. Arranged so that they cannot be placed deliberately or inadvertently within
 - 15 the 10 foot separation area or outside of the physical barrier;
- 16 6. Must not allow secondhand smoke to enter into one or more non-smoking areas
- 17 located on the same premises as the outdoor dining area’s designated smoking
- 18 permitted area; and
- 19 7. Must have at least 1 smoker’s waste receptacle on each table.

20 C. An employee, owner, manager, or person in charge or control of an outdoor dining area
21 shall ask a patron, before seating that person, whether the patron prefers seating in a smoking or non-
22 smoking part of the outdoor dining area.

23 D. An owner, manager, or person in charge or control of an outdoor dining area shall:

- 24 1. Maintain on the premises a plan or diagram of the outdoor dining area that depicts
25 and describes:
 - 26 a. The dimensions and layout of the outdoor dining area’s:
 - 27 i. Exterior boundaries;
 - 28 ii. Entrance / exit;

- 1 iii. Non-smoking area;
- 2 iv. Designated smoking permitted area; and
- 3 v. Any physical barrier;
- 4 b. The total number of tables and chairs in the outdoor dining area;
- 5 c. The location of, and the separation distance between, tables and chairs in
- 6 the outdoor dining area's:
- 7 i. Non-smoking area; and
- 8 ii. Designated smoking permitted area; and
- 9 d. The material, object, or device placed as any physical barrier.
- 10 2. Permit the neighborhood services administrator, or a designee, at any time, to:
- 11 a. Enter and inspect the premises and the outdoor dining area; and
- 12 b. Examine and copy the plan or diagram that subsection (D)(1) of this
- 13 section requires.

14 E. If an owner, manager, or person in charge or control of an outdoor dining area cannot

15 satisfy all of the requirements listed in subsection B, C, and D of this section, the outdoor dining area is

16 entirely a non-smoking area and Section 8.52.070 of this chapter applies.

17

18 **SECTION 12.** Section 8.52.130 of the Glendale Municipal Code, 1995, is amended to read as

19 follows:

20 **8.52.130 Multi-unit rental housing— Smoking permitted area.**

21 A. Even though Section 8.52.080 of this chapter prohibits smoking in specific areas of

22 multi-unit rental housing, a landlord of multi-unit rental housing may designate a portion of the

23 premises' outdoor area as a smoking permitted area, when the smoking permitted area meets all of the

24 requirements listed in subsection B and C of this section.

25 B. A smoking permitted area:

- 26 1. Must be located the greatest distance practicable, but at least 20 feet away, from:
- 27 a. A non-smoking rental unit;

28 ///

- b. An indoor common area of multi-unit rental housing where smoking is prohibited;
 - c. An outdoor area that a child primarily uses, including, but not limited to, a playground or any other place improved or designated for a child's swimming or playing; and
 - d. An adjacent area or location— listed in Section 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, or 8.52.080(A)(1)(b), (A)(2)(b), or (B)(2) of this chapter— where smoking is prohibited;
2. Must measure 40 square feet or less in total area;
 3. May be combined or merged with another on-site smoking permitted area;
 4. Must have a clearly marked perimeter;
 5. Must be identified by one or more posted "Smoking Permitted" signs; and
 6. Must have at least 1 smoker's waste receptacle.

C. The number of smoking permitted areas within multi-unit rental housing, as determined by the multi-unit rental housing's total lot area, must not exceed the corresponding numerical limit listed in the following table:

Smoking Permitted Areas in Multi-unit Rental Housing	
Square Feet of Total Lot Area	Number of Smoking Permitted Areas
0 – 7,500	No more than 1
7,501 – 15,000	No more than 2
15,001 – 22,500	No more than 3
22,501 – 30,000	No more than 4
30,001 – 37,500	No more than 5
37,501 – 45,000	No more than 6
45,001 or more	No more than 7

1 D. If a landlord cannot satisfy the requirements listed in subsection (B)(1)(a) through (d) of
2 this section, the neighborhood services administrator, or a designee, may approve a smoking permitted
3 area that meets this section's requirements to the extent practicable.

4
5 **SECTION 13.** Section 8.52.140 of the Glendale Municipal Code, 1995, is amended to read as
6 follows:

7 **8.52.140 Residential Condominium Complex— Smoking permitted area.**

8 A. Even though Section 8.52.080 of this chapter prohibits smoking in specific areas of a
9 residential condominium complex, a residential condominium complex association may designate a
10 portion of the premises' outdoor area as a smoking permitted area, when the smoking permitted area
11 meets all of the requirements listed in subsection B and C of this section.

12 B. A smoking permitted area:

- 13 1. Must be located the greatest distance practicable, but at least 20 feet away, from:
 - 14 a. A residential condominium unit;
 - 15 b. An indoor common area of the residential condominium complex where
16 smoking is prohibited;
 - 17 c. An outdoor area that a child primarily uses, including, but not limited to, a
18 playground or any other place improved or designated for a child's
19 swimming or playing; and
 - 20 d. An adjacent area or location— listed in Section 8.52.040(A), 8.52.050,
21 8.52.060, 8.52.070, or 8.52.080(A)(1)(a), (A)(2)(a), or (B)(1) of this
22 chapter— where smoking is prohibited;
- 23 2. Must measure 40 square feet or less in total area;
- 24 3. May be combined or merged with another on-site smoking permitted area;
- 25 4. Must have a clearly marked perimeter;
- 26 5. Must be identified by one or more posted "Smoking Permitted" signs; and
- 27 6. Must have at least 1 smoker's waste receptacle.

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1 C. The number of smoking permitted areas within a residential condominium complex, as
2 determined by the residential condominium complex's total lot area, must not exceed the corresponding
3 numerical limit listed in the following table:

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6

Smoking Permitted Areas in Residential Condominium Complex	
Square Feet of Total Lot Area	Number of Smoking Permitted Areas
0 – 7,500	No more than 1
7,501 – 15,000	No more than 2
15,001 – 22,500	No more than 3
22,501 – 30,000	No more than 4
30,001 – 37,500	No more than 5
37,501 – 45,000	No more than 6
45,001 or more	No more than 7

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17 D. If a residential condominium complex association cannot satisfy the requirements listed
18 in subsection (B)(1)(a) through (d) of this section, the neighborhood services administrator, or a
19 designee, may approve a smoking permitted area that meets this section's requirements to the extent
20 practicable.

21

22 **SECTION 14.** Section 8.52.150 of the Glendale Municipal Code, 1995, is amended to read as
23 follows:

24 **8.52.150 Hotel or motel— Smoking permitted guest room.**

25 A. Even though Sections 8.52.060 and 8.52.070 of this chapter prohibit smoking in a guest
26 room of a hotel or motel, an owner, manager, or person in charge of a hotel or motel may designate one
27 or more guest rooms as a smoking guest room, when the hotel or motel meets all of the requirements
28 listed in subsection B of this section.

1 B. The hotel or motel:

- 2 1. Permanently designates 80 percent or more of its guest rooms as non-smoking rooms;
- 3 2. Posts one or more:
- 4 a. "No Smoking" signs in the non-smoking rooms; and
- 5 b. "Smoking Permitted" signs in the smoking rooms;
- 6 3. Permanently removes smoker's waste receptacles and matches from the non-
- 7 smoking rooms; and
- 8 4. Segregates smoking rooms from non-smoking rooms on separate floors, wings, or
- 9 portions of either, without interspersing smoking rooms and non-smoking rooms.
- 10

11 **SECTION 15.** Section 8.52.160 of the Glendale Municipal Code, 1995, is amended to read as

12 follows:

13 **8.52.160 Shopping mall— Smoking permitted area.**

14 A. Even though Sections 8.52.060 and 8.52.070 of this chapter prohibit smoking indoors and

15 outdoors at a shopping mall, an owner, manager, or person in charge of a shopping mall may designate a

16 non-enclosed, common area as a smoking permitted area, when the smoking permitted area meets all of

17 the requirements listed in subsection B and C of this section.

18 B. A smoking permitted area:

- 19 1. Must be located the greatest distance practicable, but at least 20 feet away, from:
- 20 a. An opening, or an entrance / exit, to an enclosed area;
- 21 b. An access way between a parking lot or structure and one or more retail
- 22 areas of the shopping mall; and
- 23 c. An adjacent area or location— listed in Section 8.52.040(A), 8.52.050,
- 24 8.52.060, 8.52.070, or 8.52.080 of this chapter— where smoking is prohibited;
- 25 2. Must measure 40 square feet or less in total area;
- 26 3. Must be located not less than 250 feet apart from one another;
- 27 4. Must not be combined or merged with another on-site smoking permitted area;
- 28 5. Must have a clearly marked perimeter;

6. Must be identified by one or more posted "Smoking Permitted" signs; and
7. Must have at least 1 smoker's waste receptacle.

C. The number of smoking permitted areas within a shopping mall, as determined by the shopping mall's enclosed building area, must not exceed the corresponding numerical limit listed in the following table:

Smoking Permitted Areas in Shopping Malls	
Square Feet of Enclosed Building Area	Number of Smoking Permitted Areas
0 – 30,000	No more than 1
30,001 – 50,000	No more than 2
50,001 – 75,000	No more than 3
75,001 – 150,000	No more than 4
150,001 – 300,000	No more than 5
300,000 – 700,000	No more than 6
700,001 – 999,999	No more than 8
1,000,000 or more	No more than 10

D. If a an owner, manager, or person in charge of a shopping mall cannot satisfy the requirements listed in subsection (B)(1) through (4) of this section, the neighborhood services administrator, or a designee, may approve a smoking permitted area that meets this section's requirements to the extent practicable.

SECTION 16. Section 8.52.170 of the Glendale Municipal Code, 1995, is amended to read as follows:

8.52.170 Vehicle dealership— Smoking permitted area.

A. Even though Sections 8.52.060 and 8.52.070 of this chapter prohibit smoking indoors and outdoors at a vehicle dealership, an owner, manager, or person in charge of a vehicle dealership may

1 designate a portion of the premises' outdoor display lot as a smoking permitted area, when the smoking
2 permitted area meets all of the requirements listed in subsection B of this section.

3 B. A smoking permitted area:

- 4 1. Must be located the greatest distance practicable, but at least 20 feet away, from:
 - 5 a. An indoor showroom;
 - 6 b. An indoor or outdoor:
 - 7 i. Seating, waiting, or reception area;
 - 8 ii. Food or beverage area;
 - 9 iii. Eating area;
 - 10 iv. Vending machine area;
 - 11 v. Repair or service area;
 - 12 vi. Parts or accessories area;
 - 13 vii. Car rental or loan area;
 - 14 viii. Cashier area;
 - 15 ix. Car wash area; and
 - 16 x. Restroom;
 - 17 c. An opening, or an entrance / exit, to an enclosed area;
 - 18 d. A service line at an area or a location listed in subsection (1)(a), (b), or (c)
19 above; and
 - 20 e. An adjacent area or location— listed in Section 8.52.040(A), 8.52.050,
21 8.52.060, 8.52.070, or 8.52.080 of this chapter— where smoking is prohibited;
- 22 2. Must have a clearly marked perimeter;
- 23 3. Must be identified by one or more posted “Smoking Permitted” signs; and
- 24 4. Must have at least 1 smoker’s waste receptacle.

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1 **SECTION 17.** Section 8.52.180 of the Glendale Municipal Code, 1995, is amended to read as
2 follows:

3 **8.52.180 Retail or wholesale tobacco store— Smoking permitted area.**

4 A. Even though Section 8.52.060 of this chapter prohibits smoking at a retail or wholesale
5 tobacco store, an owner, manager, or person in charge of a retail or wholesale tobacco store may
6 designate a portion of the premises as a smoking permitted area— known as a smokers’ lounge— when
7 the smoking permitted area meets all of the requirements listed in subsection B of this section.

8 B. A retail or wholesale tobacco store:

- 9 1. Specifically designates an enclosed area with a physical barrier in, or attached to,
10 its premises for smoking a tobacco product— purchased on-site— by one or more
11 of its customers;
- 12 2. Complies with the ventilation requirements specified in California Labor Code
13 Section 6404.5(d)(13)(A) and (B), or any successor legislation;
- 14 3. Reserves:
 - 15 a. 25% or more of its interior floor space for displaying tobacco products and
16 tobacco paraphernalia for sale; and
 - 17 b. 15% or less of its interior floor space, or 250 square feet or less of its
18 interior floor space— whichever measurement is smaller— for the
19 customer smoking permitted area;
- 20 4. Has a current and valid zoning use certificate or certificate of use and occupancy
21 from the city; and
- 22 5. Posts one or more:
 - 23 a. “No Smoking” signs in its premises; and
 - 24 b. “Smoking Permitted” signs in the smokers’ lounge.

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1 **SECTION 18.** Section 8.52.190 of the Glendale Municipal Code, 1995, is amended to read as
2 follows:

3 **8.52.190 Theater, motion picture, or television production— Actor smoking during**
4 **performance.**

5 A. An actor or performer may smoke on a stage at a theater, when the theater meets all of
6 the following conditions:

- 7 1. Smoking is an integral part of the story, scene, or performance;
- 8 2. The actor or performer smokes during the performance, in front of an audience,
9 and not during a rehearsal; and
- 10 3. The theater's owner, manager, or employee:
 - 11 a. Posts one or more conspicuous signs at the theater— including, but not
12 limited to, a ticket sales area; entrance / exit to the seating area; food,
13 beverage, or merchandise area— stating that smoking will occur on stage
14 during the performance; and
 - 15 b. Announces to the audience, before the performance begins, that smoking
16 will occur on the stage during the performance.

17 B. An actor or performer may smoke on a soundstage, set, or within an area where a filming
18 or video recording occurs for a motion picture or television production, when the filming or video
19 recording meets all of the following conditions:

- 20 1. Smoking is an integral part of the story, scene, or performance;
- 21 2. The actor or performer smokes during the filming or video recording and not
22 during a rehearsal; and
- 23 3. The city has issued a motion picture and television production permit, under
24 Section 5.08.350 of this code, or any successor legislation, for the filming or
25 video recording, unless— under that section— the filming or video recording is
26 exempt from the permit requirement.

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1 **SECTION 19.** Section 8.52.200 of the Glendale Municipal Code, 1995, is amended to read as
2 follows:

3 **8.52.200 Businesses, property owners, and hotels— Authority to prohibit smoking.**

4 The following persons or establishments may declare an area— where smoking otherwise would
5 be permitted— as a non-smoking area, or may prohibit smoking throughout the property, if the person or
6 establishment posts in that area one or more “No Smoking” signs:

- 7 A. An employer.
- 8 B. A business.
- 9 C. A non-profit entity.
- 10 D. A hotel or motel.
- 11 E. An apartment owner or landlord.
- 12 F. A residential condominium complex association.
- 13 G. A private residence owner.
- 14 H. A boardinghouse or lodging house owner, operator, or manager.
- 15 I. A dormitory or residence hall owner, operator, or manager.

16
17 **SECTION 20.** Section 8.52.210 of the Glendale Municipal Code, 1995, is amended to read as
18 follows:

19 **8.52.210 City officials’ authority to designate prohibited and permitted smoking areas;
20 signs— Posting requirements.**

- 21 A. The city manager or a designee:
 - 22 1. May select, authorize, establish, change, and discontinue the location, size, and
23 duration of a smoking permitted area for an area or a location listed in Section
24 8.52.040(A) of this chapter;
 - 25 2. Shall authorize the posting of one or more:
 - 26 a. “No Smoking” signs at each entrance / exit to, and a conspicuous place
27 within, an area or a location listed in Section 8.52.040(A) of this chapter; and
 - 28 b. “Smoking Permitted” signs at a smoking permitted area; and

1 3. Shall select, authorize, and establish the contents, lettering, size, and color of the
2 sign.

3 B. In an area or location— listed in Section 8.52.050, 8.52.060, 8.52.070, or 8.52.080 of this
4 chapter— where smoking is prohibited:

5 1. A person, landlord, employer, business, or non-profit entity that has legal or de
6 facto control of that area or location shall post a “No Smoking” sign:

7 a. At:

8 i. Each entrance / exit to that area or location; and

9 ii. Another place, within that area or location, that is easily seen by a
10 person entering that area or location.

11 b. Which:

12 i. Meets the requirements of subsection D of this section; and

13 ii. Contains:

14 (A) The international “No Smoking” symbol; and

15 (B) The words “No Smoking” that are printed with letters that
16 contrast against the background material and measure not
17 less than 1 inch in height.

18 2. The presence or absence of a “No Smoking” sign, or a “No Smoking” sign’s non-
19 compliance with this section’s requirements:

20 a. Does not prevent any one or more of the persons who are listed in Section
21 8.52.220(A), (D), or (E) of this chapter from enforcing any one or more
22 provisions of this chapter; and

23 b. Is not a defense to a charge of smoking in violation of Section
24 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, or 8.52.080 of this chapter.

25 C. In an area or location— listed in Section 8.52.120, 8.52.130, 8.52.140, 8.52.150,
26 8.52.160, 8.52.170, or 8.52.180 of this chapter— where smoking is permitted:

27 1. A person, landlord, employer, business, or non-profit entity that has legal or de
28 facto control of that area or location shall post a “Smoking Permitted” sign:

- 1 a. At:
- 2 i. Each entrance / exit to that area or location; and
- 3 ii. Another place, within that area or location, that is easily seen by a
- 4 person entering that area or location.
- 5 b. Which:
- 6 i. Meets the requirements of subsection D of this section; and
- 7 ii. Contains:
- 8 (A) The pictorial representation of a burning cigarette; or
- 9 (B) The words “Smoking Permitted” that are printed with
- 10 letters that contrast against the background material and
- 11 measure not less than 1 inch in height.
- 12 2. The presence or absence of a “Smoking Permitted” sign, or a “Smoking
- 13 Permitted” sign’s non-compliance with this section’s requirements:
- 14 a. Does not prevent any one or more of the persons who are listed in Section
- 15 8.52.220(A), (D), or (E) of this chapter from enforcing any one or more
- 16 provisions of this chapter; and
- 17 b. Is not a defense to a charge of smoking in violation of Section
- 18 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, or 8.52.080 of this chapter.
- 19 D. A sign posted in compliance with subsection B, or subsection C, or both subsections of
- 20 this section must be:
- 21 1. Made of a durable or weather-proof material;
- 22 2. Legible, accurate, and printed with:
- 23 a. The telephone number that the city manager, or a designee, specifies for
- 24 making a complaint or reporting a violation of this chapter; and
- 25 b. The citation: “Glendale Municipal Code, Chapter 8.52” or “G.M.C. 8.52”;
- 26 3. Stationary, permanently affixed, and positioned at a height of between 5 and 7
- 27 feet above the floor or ground; and
- 28 4. Visible and not obscured in any way.

1 E. The standards and requirements for directional and informational signs in Section
2 30.33.190 of this code, or any successor legislation, do not apply to this section.

3
4 **SECTION 21.** Section 8.52.220 of the Glendale Municipal Code, 1995, is amended to read as
5 follows:

6 **8.52.220 Enforcement— By city official or private citizen.**

7 A. Any one or more of the following city representatives has all necessary powers and
8 authority to enforce this chapter:

- 9 1. The city manager or a designee;
- 10 2. The director of community services and parks or a designee;
- 11 3. A Glendale police department officer;
- 12 4. The neighborhood services administrator or a designee; or
- 13 5. A city clerk license investigator.

14 B. A violation of Section 8.52.040(A); 8.52.050; 8.52.060; 8.52.070; 8.52.080; 8.52.090(A),
15 (B), or (C); 8.52.100; or 8.52.210(B), (C), or (D) of this chapter is punishable under Section 1.20.010(D)
16 of this code, or any successor legislation.

17 C. The City Council declares that exposing another person to secondhand smoke, by
18 committing a violation of this chapter, is a public nuisance.

19 D. In addition to, or in place of, prosecuting a criminal action under this chapter, the city
20 attorney may take any one or more lawful steps, including, but not limited to, commencing one or more
21 civil actions, or administrative proceedings, or both, in the manner the law provides to:

- 22 1. Enforce this chapter's provisions;
- 23 2. Obtain one or more appropriate remedies available at law or in equity; and
- 24 3. Recover the city's costs for taking action under this section.

25 E. A person may bring a civil action to enforce any one or more provisions of this chapter.
26 Nothing in this chapter precludes a person from seeking any other remedy, penalty, or procedure that the
27 law provides.

28 ///

1 F. The remedies or penalties that this chapter provides are cumulative to each other and to
2 the remedies or penalties available under all other laws.

3
4 **SECTION 22.** Section 8.52.230 of the Glendale Municipal Code, 1995, is amended to read as
5 follows:

6 **8.52.230 Enforcement of Labor Code Section 6404.5.**

7 A. Neighborhood services inspectors and Glendale police department officers may enforce
8 the provisions of California Labor Code Section 6404.5, or any successor legislation, governing
9 smoking in enclosed places of employment.

10 B. In performing the function of monitoring and enforcing compliance with the provisions
11 of Labor Code Section 6404.5, neighborhood services supervisors and inspectors, who have successfully
12 completed a course and a written examination, through California's Commission on Peace Officer
13 Standards and Training, on the laws and powers of arrest under California Penal Code Section 832, or
14 any successor legislation, and whom the neighborhood services administrator has authorized to engage
15 in enforcement activity, have the power, authority, and immunity of a California peace officer to issue
16 infraction citations for a violation of California Labor Code Section 6404.5. However, because these
17 individuals are non-sworn personnel and are not peace officers, they shall not make custodial arrests, or
18 carry or use a firearm within the scope and course of their employment, or both.

19
20 **SECTION 23.** Section 8.52.240 is added to the Glendale Municipal Code, 1995, to read
21 as follows:

22 **8.52.240 Other applicable laws.**

23 A. This chapter is in addition to any other prohibition or limitation on smoking under
24 federal, state, or local law. The City Council intends this chapter to supplement— and not to duplicate
25 or contradict— other applicable law.

26 B. This chapter must not be construed or interpreted to permit smoking when another
27 applicable law prohibits or restricts it. If another applicable law is more restrictive in regulating
28 smoking, that law governs.

1 **SECTION 24.** Section 1.20.010(D) of the Glendale Municipal Code, 1995, is amended to
2 read as follows:

3 **1.20.010 Penalties and punishment for code violations.**

4 D. A violation of the following Glendale Municipal Code sections shall be deemed an
5 infraction punishable as provided in subsection B of this section, except that all violations after three (3)
6 convictions or nolo contendere pleas, or any combination totaling three (3), within one (1) year, shall be
7 misdemeanors punishable pursuant to Section 1.20.010(A): Sections 8.32.030, 8.32.050, 8.44.050(D),
8 8.44.170, 8.52.040(A), 8.52.050, 8.52.060, 8.52.070, 8.52.080, 8.52.090(A), 8.52.090(B), 8.52.090(C),
9 8.52.100, 8.52.210(B), 8.52.210(C), 8.52.210(D), 9.04.040(B), 9.04.040(C), 30.11.070(A)(4),
10 30.11.070(B)(5), 30.11.070(C)(4), 30.12.040(A)(1)(a), 30.12.040(A)(2)(a), 30.12.050(A)(2),
11 30.12.050(B)(2), 30.13.040(A)(1), 30.13.050(A)(2), 30.14.040(A)(1), 30.14.050(A)(2),
12 30.14.060(A)(3), 30.14.050(B)(2), 30.14.060(B)(2), 30.15.040(A), 30.15.050(A)(2), 30.15.050(B)(2),
13 30.31.010(A), 30.31.010(B), 30.31.010(D), 30.31.020(A)(1), 30.31.030(A), 30.31.030(B)(1),
14 30.32.040(B)(1), 30.32.040(B)(2), 30.32.040(C), 30.32.040(D), 30.32.040(E), 30.32.100,
15 30.32.130(G)(1), 30.32.130(G)(2), 30.32.130(G)(7), 30.32.160(F), 30.33.040, 30.33.050, 30.33.110(A),
16 30.33.200, 30.33.210(B)(1), 30.33.210(B)(2), 30.33.210(B)(3), 30.33.210(H), 30.33.210(I),
17 30.34.020(F), 30.34.020(K), 30.34.030(B)(8), 30.34.030(D), 30.34.040(B), 30.34.140(A), 30.34.140(G),
18 30.34.150(A), and the following sections from the South Brand Boulevard Specific Plan, X.
19 Implementation, B. Zoning, Sec. 405(a), Sec. 505(a), Sec. 705(a), and Sec. 805(a).

20
21 **SECTION 25.** Section 14.2 of Volume VII of the Glendale Building and Safety Code, 2008,
22 is amended to read as follows:

23 **14.2. Address Number and Identifying Data:** Address numbers and other identifying data shall be
24 displayed as follows:

25 1. All residential dwellings shall display an address number in a prominent location on the
26 street side of the residence in such a position that the number is easily visible to approaching emergency
27 vehicles. The numerals shall be no less than four (4) inches (102mm) in height and shall be of a
28 contrasting color to the background to which they are attached. In addition, any residence which affords

1 vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same
2 numbers on the rear of the building.

3 2. Multiple Family Dwelling; Illuminated Diagrams and Identification Numbers: There
4 shall be positioned at each entrance of a multiple family dwelling complex an illuminated diagrammatic
5 representation of the complex which shows the location of:

- 6 a. The viewer;
- 7 b. The unit designations within the complex;
- 8 c. Each unit that is a "smoking" unit and a "non-smoking" unit (as governed by
9 Chapter 8.52 of the Glendale Municipal Code, 1995, or any successor legislation);
- 10 d. A smoking permitted area authorized under Section 8.52.130 of this chapter; and
- 11 e. The complex's exits, stairwells, elevators, fire alarm annunciator panels, and
12 standpipes.

13 In addition, each individual unit within the complex shall display a prominent identification number, not less
14 than four (4) inches (102mm) in height, which is easily visible to approaching vehicular and/or pedestrian
15 traffic. In addition, any multiple family dwelling which affords vehicular access to the rear through any
16 driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.

17
18 **SECTION 26. Compliance with California Environmental Quality Act.**

19 The City Council finds and determines that this ordinance is not subject to the California
20 Environmental Quality Act ("CEQA") and, therefore, an environmental review is not required under
21 Section 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical
22 change in the environment]; Section 15060(c)(3) [the activity is not a project as defined in Section
23 15378]; and Section 15061(b)(3)[no possibility exists that the activity in question may have a significant
24 effect on the environment] of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter
25 3, because the ordinance:

- 26 1. Has no potential for resulting in physical change to the environment, directly or
27 indirectly; and
- 28 2. Prevents changes in the environment.



**CITY OF GLENDALE CALIFORNIA
REPORT TO CITY COUNCIL**

March 9, 2010

AGENDA ITEM

Report: Summary of Changes Contained in the Ordinance Regulating Exposure to Second-Hand Tobacco Smoke

1. Ordinance for Adoption: Amending Glendale Municipal Code, Chapter 8.52, relating to restrictions on smoking and tobacco use in public places.

COUNCIL ACTION

Public Hearing []	Ordinance [X]	Consent Calendar []	Action Item []	Report Only []
Approved for <u>3/9/10</u>	calendar			

ADMINISTRATIVE ACTION

	Signature
Submitted Hassan Haghani, Director of Community Planning	
Prepared Sam Engel, Neighborhood Services Administrator	
Steven Koszis, Administrative Analyst	
Michael Grant, Sr. Assistant City Attorney	
Approved Jim Starbird, City Manager	
Reviewed Scott Howard, City Attorney	

RECOMMENDATION

It is recommended that City Council adopt the Ordinance amending Chapter 8.52 of the Glendale Municipal Code as introduced on February 23, 2010, and later revised pursuant to direction received from City Council. The ordinance provides changes in the current regulations and corrects minor verbiage issues, thereby improving the Ordinance's effectiveness in reducing exposure to second-hand smoke.

SUMMARY

At the February 23, 2010 meeting, City Council reviewed a staff report and received testimony on proposed revisions to the City's codes relating to exposure to second-hand tobacco smoke. Several changes to the existing ordinance were proposed and staff requested direction on four other issues.

Following a lengthy discussion, City Council introduced an ordinance which included the following provisions:

The prohibitions against smoking in common areas of multi-family housing (such as corridors, pool decks, walkways, etc) were extended to condominium developments.

Smoking is now prohibited on the balconies and patios of multi-family units, both in apartments and condominiums.

The requirement to issue a warning prior to issuing a citation was removed and the violation of the codified smoking prohibitions is now defined simply as smoking in a place where smoking is prohibited by the ordinance.

Property owners are required to post "Smoking Prohibited" signs in areas where smoking is now prohibited.

Apartment owners must display and maintain a map showing the location of smoking permitted units and smoking prohibited units.

"Houses of Worship" are entirely exempt from requirements of the local ordinance. However, "Houses of Worship" that qualify as a "place of employment" are not exempt from California Labor Code Section 6404.5, which regulates smoking in places of employment.

The City Council directed staff to remove provisions relating to the required separation of smoking-permitted units and smoking prohibited units in apartments, but to proceed with an outreach effort to encourage a voluntary effort by property owners to make their properties smoke free, and in the interim, to separate units as was originally proposed.

FISCAL IMPACT

The adoption of the ordinance does not result in any further fiscal impact beyond that which was considered and approved at the February 23, 2010 meeting to extend outreach and education efforts for one additional year.

It is anticipated that the extended outreach effort which was funded by this action will commence in April and conclude in March 2011.

RELATION TO CITY'S STRATEGIC GOALS

Efforts to address the affects of second-hand smoke are in keeping with the adopted goal for Health and Wellness of the Community in the City's strategic directions: "A physically and mentally healthy community with quality health care services for all residents."

BACKGROUND

Glendale's latest Fresh Air ordinance has been in effect since November 2008, when City Council expanded existing regulations intended to reduce exposure to second-hand smoke in public places. Early on, staff and City Council realized that the ordinance and the community change that the ordinance both determined and symbolized would be a significant undertaking, and one that would be achieved over time. In that same vein, staff and City Council realized that this effort is a "work in progress" and that the strategy and ordinance should be periodically reviewed.

The first review came six months after implementation, at which time City Council provided staff with feedback on some problematic issues, and directed that staff bring back an updated ordinance. The ordinance, updated based on this direction was presented on February 23, 2010, along with four additional areas about which staff desired further direction.

After hearing testimony from the community and reviewing the information provided by staff, City Council commenced a debate on the different issues before them. Following the discussion, the draft ordinance was introduced with minor modifications. City Council also directed staff to make a couple of incidental changes to the ordinance, based on the results of their discussion, to be included in the ordinance presented for adoption.

During the time since that meeting, staff has made the changes to the ordinance requested by City Council.

Revisions Contained in the Final Ordinance

The ordinance presented for adoption is substantially the same as that introduced by the City Council on February 23, 2010. Pursuant to the motion introducing the ordinance, staff made the minor adjustments to the ordinance in preparation to consideration for final adoption. In this final form, the ordinance includes both substantive changes as requested by the City Council and minor "housekeeping" type revisions. The minor revisions include:

- A statement that "smoking" is not a constitutionally-protected act;
- Re-organizing of outlined lists contained in the ordinance;
- Clarified definitions;
- Better consistency between similar code provisions;
- Clarification of certain provisions of the ordinance; and
- Elimination of Park Rangers from the list of city officials authorized to enforce this ordinance.

In addition to these "housekeeping"-type revisions, there are other significant revisions to the second-hand smoke ordinance. These changes were fully discussed by City Council at the February 23, 2010 meeting and include:

1. All buildings will need to display a site plan showing the location of smoking permitted and smoking prohibited units. The City's Building and Safety Code currently requires owners to display a site plan (for firefighter's use) at the front entrance of their apartment building. The ordinance amends the Building and Safety Code to add the location of smoking and non-smoking units as a required element on the posted site plan.
2. Another major revision to the ordinance is the requirement for posting "No Smoking" signs at places where smoking is prohibited near each entrance, exit and at least one other noticeable place within that location. This provision corrects an omission in the original ordinance.
3. The ordinance redefines the crime of smoking in a smoking-prohibited area by removing the requirement to issue a warning before issuing a citation, allowing citations to be issued immediately by either Police Officers or the City's code enforcement personnel. As with all enforcement efforts, City enforcement personnel are expected and will continue to exercise their professional discretion when they encounter individuals smoking in prohibited places.
4. A provision exempting "Houses of Worship" from the requirements of the ordinance was added. As directed by City Council, the exemption is broad and is not limited to the rituals or ceremonial practices that might be typical of a religious service. The exemption will not apply to the portion of the premises on which the house of worship operates a school, child care facility, or senior citizen facility, during the period that the school, child care facility, or senior citizen facility is in operation. It should be noted that this exemption applies only to

the Glendale Municipal Code and does not apply to any State or Federal laws and regulations.

5. The new ordinance includes provisions to address complaints from non-smoking apartment dwellers about second-hand smoke traveling from the balconies of other units to and into their non-smoking units. Even in smoking-permitted units, smoking will now be prohibited on the balcony or patio, and limited to either the inside of the unit or to a designated smoking-permitted area on the complex.
6. The new ordinance now extends the prohibitions against smoking to the common areas of condominiums as well as apartments.

Staff removed the requirement that smoking permitted units be separated from non-smoking units in apartment buildings.

Once adopted, more aggressive enforcement of the smoking prohibitions is set to begin. Neighborhood Services personnel will provide training to the different Police shift briefings to make sure that the new requirements are clearly communicated. Also planned, are separate direct-mail pieces sent to the owners of apartment buildings and the occupants of condominiums to advise them of the requirements unique to each of their situations. An effort will be undertaken to get apartment owners to voluntarily separate and cluster their smoking-permitted units from their smoking prohibited units.

Following the strategy to periodically review the Fresh Air program, staff anticipates presenting the next update to City Council in late summer, 2010.

CONCLUSION

As noted previously, there has been a noticeable and documented change in the public environment with regard to second-hand smoke. Since the implementation of the strategy associated with the "Fresh Air" ordinance, there is less smoking in those public places where smoking is prohibited. Anecdotal evidence suggests that residents are aware of the new requirements and there is a greater degree of compliance. This is due in large part to the outreach and promotion efforts undertaken so far, as well as the education efforts by the code enforcement staff throughout the year.

After one year, some significant shortcomings were noted in the initial strategy and the ordinance. Two of these included the "warning requirement" and well as the omission for proper signing at smoking prohibited locations. Others dealt with areas or locations where smoking prohibitions might make some logical sense. The ordinance presented for adoption corrects these problems and address other minor issues.

The strategy of adopting an initial ordinance and then adjusting it over time as issues arise during implementation has worked well. The ordinance resulting from this most recent review follows that pattern, and has been revised based on previous City Council direction. It has always been understood that this effort will take time to produce long-term and sustainable results. The groundwork for this change has been put in place with the original ordinance. The amendments and changes contained in the ordinance presented for adoption with this report strengthen and support the work that has already been done.