

ORDINANCE NO. 17-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
EL CENTRO AMENDING ARTICLE V OF CHAPTER 13
SECTION 13.3 REGARDING SMOKING IN TRANSIT
FACILITIES AND EL CENTRO REGIONAL MEDICAL
CENTER FACILITIES

THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA DOES ORDAIN AS
FOLLOWS:

SECTION 1. The City Council finds that the ban on smoking currently set out for public transit facilities should be expanded to the areas around such transit facilities, specifically including bus stops, and the El Centro Regional Bus Terminal, in order to allow smoke-free ingress and egress around such facilities. The Council further finds that such

SECTION 2. Chapter 13, Sections 13-83 of the City of El Centro Municipal Code is amended to read as follows:

Sec. 13-83. - Prohibition of smoking in public places.

Except as provided in this article, it shall be unlawful for any person to smoke in any of the following public places:

- (1) Elevators, escalators and stairways.
- (2) Buses, taxicabs and other means of public transit under the authority of the City; within 25 foot radius of any bus stop, and within in a 25 foot radius of as well as within any ticket, boarding or waiting areas of public transit depots, including, but not limited to, the El Centro Regional Bus Terminal.
- (3) Restrooms.
- (4) Service lines.
- (5) Retail stores, including grocery stores and supermarkets, and enclosed portion of a shopping mall.
- (6) All areas available to and customarily used by the public in all businesses and nonprofit entities, including but not limited to hallways, lobbies, reception areas, and waiting rooms of a business or employer.
- (7) Classrooms, meeting or conference rooms or lecture halls owned or operated by any public entity or any employer, except as provided in Section 13-84
- (8) Recreation halls.
- (9) Restaurants, except as provided in Section 13-85.

- (10) In any restaurant or other eating area within a public place constructed so that smoke can drift into the non-restaurant portion of such place.
- (11) Theaters, sports arenas, convention halls, libraries, galleries, and museums, when open to the public, except as provided in Section 13-86.
- (12) Waiting rooms, hallways, lobbies, wards and semiprivate rooms of health facilities, including, but not limited to hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices, and specifically with regard to El Centro Regional Medical Center (ECRMC), all of any portion of the hospital campus and facilities operated by ECRMC as posted by ECRMC pursuant to its authority under the Clean Indoor Air Act.
- (13) A private residence used as a child care or health care facility.
- (14) Lobbies, hallways and other common areas in multiple-unit commercial facilities and in apartment buildings, condominiums, retirement facilities, nursing homes and other multiple-unit residential facilities.
- (15) Polling places.
- (16) Every room, chamber, place of meeting or public assembly, including school buildings, under the control of any board, council, commission or agency or political subdivision of the state or the federal government during such time as a public meeting is in progress, unless the prohibition on smoking enacted by this article is preempted by federal or state law, or any lawfully adopted regulation pursuant thereto.
- (17) In any outdoor area used to conduct a public event.

SECTION 3. This Ordinance shall take effect (30) days from and after its adoption. Within fifteen (15) days after adoption, this Ordinance shall be published once in a newspaper, published and circulated within the City of El Centro, California and there shall be posted in the Office of the City Clerk a certified copy of the full text of this Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of El Centro California, held on the 6th day of June, 2017.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 20th day of June, 2017.

CITY OF EL CENTRO

By: _____
Alex Cardenas, Mayor

ATTEST:

By: _____
L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: _____
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF EL CENTRO)

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 17-09 had its first reading on June 6, 2017, and had its second reading on June 20, 2017, and was passed by the following vote:

AYES:	Jackson, Silva, Viegas-Walker, Garcia
NOES:	None
ABSENT:	Cardenas
ABSTAINED:	None

AYES:	Jackson, Silva, Cardenas, Viegas-Walker, Garcia
NOES:	None
ABSENT:	None
ABSTAINED:	None

By: _____
L. Diane Caldwell, City Clerk