

**IN THE CITY COUNCIL OF THE CITY OF VALLEJO  
ORDINANCE NO. 1758 N.C. (2d)**

**AN ORDINANCE OF THE CITY OF VALLEJO MUNICIPAL CODE AMENDING CHAPTER  
7.68 RELATED TO THE PROHIBITION OF SMOKING IN PUBLIC PLACES**

**THE CITY COUNCIL OF THE CITY OF VALLEJO DOES HEREBY ORDAIN, FIND AND  
DECLARE AS FOLLOWS:**

**WHEREAS**, nonsmokers who are exposed to secondhand smoke are inhaling many of the same cancer-causing substances and poisons as smokers; and

**WHEREAS**, there is no risk-free level of exposure to secondhand smoke; and

**WHEREAS**, as with active smoking, the longer the duration and the higher the level of exposure to secondhand smoke, the greater the risk of developing lung cancer; and

**WHEREAS**, secondhand smoke contains more than 7,000 chemicals. Hundreds are toxic and about 70 can cause cancer; and

**WHEREAS**, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Since the 1964 Surgeon General's Report, 2.5 million adults who were nonsmokers died because they breathed secondhand smoke; and
- Secondhand smoke causes nearly 34,000 premature deaths from heart disease each year in the United States among nonsmokers; and
- Secondhand smoke increases the risk for stroke by 20–30%; and
- Secondhand smoke exposure causes more than 8,000 deaths from stroke annually; and
- Breathing secondhand smoke interferes with the normal functioning of the heart, blood, and vascular systems in ways that increase the risk of having a heart attack; and
- Secondhand smoke causes more than 7,300 lung cancer deaths among U.S. nonsmokers each year; and
- Even brief secondhand smoke exposure can damage cells in ways that set the cancer process in motion; and

**WHEREAS**, exposure to second hand smoke causes death and disease in children, as evidenced by the following:

- Chemicals in secondhand smoke appear to affect the brain in ways that interfere with its regulation of infants' breathing; and
- Secondhand smoke can trigger an asthma attack in a child; and
- Children with asthma who are around secondhand smoke have more severe and frequent asthma attacks. A severe asthma attack can put a child's life in danger.

**NOW THEREFORE THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:**

SECTION 1. Section 7.68.040 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.68.040 – Prohibition of Smoking in Public Places.**

- A. Except as otherwise provided in this chapter, smoking shall be prohibited in all enclosed public places within the city of Vallejo, including but not limited to, the following places:
1. Elevators.
  2. Buses, taxicabs, and other means of public transit under the authority of the city of Vallejo and ticket, boarding, and waiting areas of public transit depots.
  3. Restrooms.
  4. Service lines.
  5. Retail stores.
  6. All areas available to and customarily used by the general public in all business and nonprofit entities patronized by the public, including but not limited to, attorneys' offices and other offices, banks, Laundromats, malls, hotels and motels.
  7. Restaurants.
  8. Public areas of aquariums, galleries, libraries, museums when open to the public.
  9. Any facility which is primarily used for exhibiting motion pictures, stage productions, lectures, musical recitals or other similar performances, except when smoking is part of such production.
  10. Sports arenas and convention halls.
  11. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city.
  12. Waiting rooms, hallways, wards and rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy, mental health, and drug and alcohol treatment facilities, doctors' and dentists' offices.
  13. Lobbies, hallways, and other common areas in apartment buildings, condominiums, senior citizen residences, nursing homes, and other multiple-unit residential facilities.
  14. Lobbies, hallways, and other common areas in multiple-unit commercial facilities.
  15. Polling places.
- B. Notwithstanding any other provisions of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment.

C. Except as otherwise provided in this chapter, smoking shall be prohibited in the following unenclosed public places within the city of Vallejo, including but not limited to, the following:

1. Within 25 feet of any ticket, boarding, or waiting areas of public transportation to include bus stops, designated taxicab waiting areas, 'kiss-and-ride', casual carpool, and ferry departure waiting areas.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each one all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

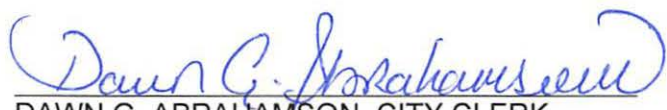
SECTION 3. Effective Date. This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage."

FIRST READ at a regular meeting of the Council of the City of Vallejo held on the 25th day of April 2017 and finally passed and adopted at a regular meeting of the Council held on the 9th day of May 2017, by the following vote:

AYES: Mayor Sampayan, Vice Mayor McConnell, Councilmembers Dew-Costa, Miessner, and Sampayan  
NOES: None  
ABSTAIN: None  
ABSENT: Councilmember Verder-Aliga

  
BOB SAMPAYAN, MAYOR

ATTEST:

  
DAWN G. ABRAHAMSON, CITY CLERK