

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 8.68.020.R., SECTION 8.68.060, AND SUBSECTION 8.68.110.A.; AND BY ADDING SUBSECTION 8.68.020.S., AND SECTION 8.68.210, ALL RELATING TO SMOKING IN PUBLIC PLACES

The City Council of the City of Long Beach ordains as follows:

Section 1. Subsection 8.68.020.R. of the Long Beach Municipal Code is amended to read as follows:

R. "Smoking lounge" means a business establishment that is devoted to and designated specifically for the sole purpose of smoking tobacco products limited to cigars only. For purposes of this Chapter, "smoking lounge" means private smokers' lounge as defined in Section 6404.5 of the California Labor Code.

Section 2. Section 8.68.060 of the Long Beach Municipal Code is amended to read as follows:

8.68.060 Smoking prohibited – Enclosed public places.

A. Smoking is prohibited and is unlawful in every enclosed "public place" as defined in subsection 8.68.020.O. Every owner, manager or operator of such facility shall post signs conspicuously in the premises stating that smoking is prohibited within the "public place" as defined in section 8.68.020 and in the case of motion picture theaters, such

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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1 information shall be shown upon the screen for at least five (5) seconds  
2 before showing feature motion pictures.

3 B. This Section is not intended to prohibit smoking in any  
4 "smoking lounge" as defined in Subsection 8.68.020.R. and under the  
5 following conditions:

6 1. No persons under eighteen (18) years of age shall be  
7 permitted within the business.

8 2. The business establishment shall have separate  
9 ventilation such that air from the smoking lounge is exhausted directly  
10 outside and not recirculated within the building or mixed with the general  
11 dilution ventilation for the building. Windows which open to the outside  
12 shall not be deemed to comply with this provision.

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14 Section 3. Subsection 8.68.110.A. of the Long Beach Municipal Code is  
15 amended to read as follows:

16 A. Smoking is prohibited in all workplaces in the City of Long  
17 Beach as defined in Subsection 8.68.020.S.

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19 Section 4. Subsection 8.68.020.S. is added to the Long Beach Municipal  
20 Code to read as follows:

21 S. "Workplace" means any enclosed area of a structure or portion  
22 thereof occupied by any entity and frequented by employees during the  
23 normal course of their employment where clerical, professional,  
24 manufacturing, business services or other normal and customary activities  
25 of the entity are performed or where other work is done at that location.  
26 Workplace also includes, but is not limited to, spaces in office buildings,  
27 medical office waiting rooms, libraries, museums, gaming clubs, bars,  
28 taverns, employee lounges, employee breakrooms, conference rooms, and

1 employee cafeterias. Workplace does not include any of the following: a  
2 private home, except where such home is used as a "childcare facility" as  
3 defined in subsection 8.68.020.E., and any "smoking lounge" as defined in  
4 Subsection 8.68.020.R. that satisfies the conditions specified in Subsection  
5 8.68.060.B.

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7 Section 5. Section 8.68.210 is added to the Long Beach Municipal Code  
8 to read as follows:

9 8.68.210 Severability.

10 All provisions of this Chapter are severable. If any part or provision  
11 of this Chapter, or the application thereof to any person or circumstance, is  
12 held invalid for any reason, the remainder of this Chapter, including the  
13 application of such part or provision to persons or circumstances other than  
14 those to which it is held invalid, shall not be affected and shall remain in full  
15 force and effect.

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17 Section 6. The City Clerk shall certify to the passage of this ordinance by  
18 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
19 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
20 Mayor.

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1 I hereby certify that the foregoing ordinance was adopted by the City Council of the City  
2 of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

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Ayes: Councilmembers: \_\_\_\_\_

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Noes: Councilmembers: \_\_\_\_\_

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Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

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3 8.68.020 Definitions.

4 R. "Smoking lounge" means a business establishment that is devoted to  
5 and designated specifically for the sole purpose of smoking tobacco  
6 products limited to cigars only. For purposes of this Chapter, "smoking  
7 lounge" means private smokers' lounge as defined in Section 6404.5 of the  
8 California Labor Code.

9 RS. "Workplace" means any enclosed area of a structure or portion  
10 thereof occupied by any entity and frequented by employees during the  
11 normal course of their employment where clerical, professional,  
12 manufacturing, business services or other normal and customary activities  
13 of the entity are performed or where other work is done at that location.  
14 Workplace also includes, but is not limited to, spaces in office buildings,  
15 medical office waiting rooms, libraries, museums, gaming clubs, bars,  
16 taverns, employee lounges, employee breakrooms, conference rooms, and  
17 employee cafeterias. Workplace does not include any of the following: A-a  
18 private home is not a workplace, except where such home is used as a  
19 "childcare facility" as defined in subsection 8.68.020.E., and any "smoking  
20 lounge" as defined in Subsection 8.68.020.R. that satisfies the conditions  
21 specified in Subsection 8.68.060.B.

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23 8.68.060 Smoking prohibited – Enclosed public places.

24 A. Smoking is prohibited and is unlawful in every enclosed "public place"  
25 as defined in subsection 8.68.020.O. Every owner, manager or operator of  
26 such facility shall post signs conspicuously in the premises stating that  
27 smoking is prohibited within the "public place" as defined in section 8.68.020  
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upon the screen for at least five (5) seconds before showing feature motion pictures.

B. This Section is not intended to prohibit smoking in any "smoking lounge" as defined in Subsection 8.68.020.R. and under the following conditions:

1. No persons under eighteen (18) years of age shall be permitted within the business.

2. The business establishment shall have separate ventilation such that air from the smoking lounge is exhausted directly outside and not recirculated within the building or mixed with the general dilution ventilation for the building. Windows which open to the outside shall not be deemed to comply with this provision.

8.68.110 Regulation of smoking in the workplace.

A. Smoking is prohibited in all workplaces in the City of Long Beach as defined in Subsection 8.68.020.RS.

8.68.210 Severability.

All provisions of this Chapter are severable. If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid for any reason, the remainder of this Chapter, including the application of such part or provision to persons or circumstances other than those to which it is held invalid, shall not be affected and shall remain in full force and effect.