

ORDINANCE NO. ORD-09-0002

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, including but not limited to establishments known variously as cigar lounges, hookah lounges, or tobacco clubs. 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

1 section 8.68.020 and in the case of motion picture theaters, such
2 information shall be shown upon the screen for at least five (5) seconds
3 before showing feature motion pictures.

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

7 1. No food or beverages, including but not limited to
8 alcoholic beverages, shall be sold or consumed on the business premises.

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

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

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

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

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

24 S. “Workplace” means any enclosed area of a structure or portion
25 thereof occupied by any entity and frequented by employees during the
26 normal course of their employment where clerical, professional,
27 manufacturing, business services or other normal and customary activities
28 of the entity are performed or where other work is done at that location.

1 Workplace also includes, but is not limited to, spaces in office buildings,
2 medical office waiting rooms, libraries, museums, gaming clubs, bars,
3 taverns, employee lounges, employee breakrooms, conference rooms, and
4 employee cafeterias. Workplace does not include any of the following: a
5 private home, except where such home is used as a “childcare facility” as
6 defined in subsection 8.68.020.E., and any “smoking lounge” as defined in
7 Subsection 8.68.020.R. that satisfies the conditions specified in Subsection
8 8.68.060.B.

9
10 Section 5. Section 8.68.210 is added to the Long Beach Municipal Code
11 to read as follows:

12 8.68.210 Severability.

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

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

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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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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of February 17, 2009, by the following vote:

Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
Andrews, Reyes Uranga, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Schipske, Gabelich.



City Clerk

Approved: 2/19/09
(Date)



Mayor