

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, 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.

21  
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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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

City Clerk

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

\_\_\_\_\_

Mayor

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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3 8.68.020 Definitions.

4 R. "Smoking lounge" means a business establishment devoted to and  
5 designated specifically for the sole purpose of smoking tobacco products,  
6 including but not limited to establishments known variously as cigar lounges,  
7 hookah lounges, or tobacco clubs. For purposes of this Chapter, "smoking  
8 lounge" means private smokers' lounge as defined in Section 6404.5 of the  
9 California Labor Code.

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

23  
24 8.68.060 Smoking prohibited – Enclosed public places.

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

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

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

7 1. No food or beverages, including but not limited to alcoholic  
8 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 ventilation  
12 such that air from the smoking lounge is exhausted directly outside and not  
13 recirculated within the building or mixed with the general dilution ventilation  
14 for the building. Windows which open to the outside shall not be deemed to  
15 comply with this provision.

16  
17 8.68.110 Regulation of smoking in the workplace.

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

20  
21 8.68.210 Severability.

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

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