

**ORDINANCE NUMBER 1297**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ORDINANCE AMENDMENT 13-04-0001 TO UPDATE CHAPTER 7.14 OF THE MUNICIPAL CODE "SMOKING ORDINANCE" TO REGULATE SECONDHAND SMOKE AT CITY FACILITIES AND IN CITY VEHICLES, AND MAKE FINDINGS IN SUPPORT THEREOF.***

**WHEREAS**, the City of Perris recognizes the health benefits of regulating secondhand smoke and hereby seeks to comprehensively update Chapter of 7.14 of the Municipal Code to limit and regulate smoking at City facilities and in City vehicles for the purpose of providing a cleaner and a more hygienic environment for City employees and its residents;

**WHEREAS**, the smoking of tobacco, or any other weed or plant, is a hazard to the health and safety of those who are exposed to the resulting smoke, and is also a material annoyance and discomfort to those persons. State law prohibits smoking in enclosed places of employment, within 20-feet of the entrance, exit or operable window of a public building and at playgrounds in public and private parks. In order to preserve public health, safety and welfare, the purpose of this Ordinance is to expand prohibition smoking of tobacco, or any weed or plant, in City vehicles;

**WHEREAS**, this Ordinance shall be interpreted in a manner supplementary to and consistent with California Labor Code Section 6404.5 and California Health and Safety Code Sections 104495 and 118875, *et seq.*, as amended, and in all cases of conflict between this chapter and any state law, the applicable state law provision shall prevail;

**WHEREAS**, the Smoke Ordinance recognize the rights of City employees and visitors to City facilities to be free from unwelcome secondhand smoke;

**WHEREAS**, on June 5, 2013, the Planning Commission was scheduled to conduct a legally noticed public hearing on Ordinance Amendment 13-04-0001 but was continued to the June 19, 2013 meeting due to a lack of quorum;

**WHEREAS**, on June 19, 2013, the Planning Commission conducted a continued public hearing on the project and at the meeting recommended approval of the project after considering public testimony and materials in the staff report and accompanying documents for Ordinance Amendment 13-04-0001;

**WHEREAS**, on July 9, 2013 the City Council conducted a duly noticed public hearing introducing the first reading of Ordinance 1297, considered testimony and materials in

the staff reports, accompanying documents and exhibits but was continued to the August 27, 2013 City Council meeting;

**WHEREAS**, on August 27, 2013 the City Council conducted a duly noticed public hearing introducing the first reading of Ordinance 1297, considered testimony and materials in the staff reports, accompanying documents and exhibits;

**WHEREAS**, the City Council has reviewed and considered the environmental information included in the staff report and accompanying attachments prior to taking action on the application for the proposed project and finds the project to be Categorically Exempt pursuant to Article 19 Section 15321 of California Environmental Quality Act (CEQA); and

**WHEREAS**, all legal prerequisites for the adoption of this resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The City Council has reviewed and considered the environmental documentation for the project prior to taking action on and finds the project to be Categorically Exempt pursuant to Article 19 Section 15321 of California Environmental Quality Act (CEQA).

A. Determinations of the City Council reflect the independent judgment of the City.

**Section 3.** Based on the information contained within the Project Report and the accompanying attachments and exhibits, the City Council hereby finds that:

A. The proposed Ordinance Amendment will not result in a significant adverse effect on the environment.

B. The proposed Ordinance Amendment will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance.

C. The proposed Ordinance Amendment will not have a negative affect on public health, safety, or the general welfare of the community.

**Section 4.** The City Council hereby adopts the first reading of an Ordinance 1297 for Ordinance Amendment 13-04-0001 to comprehensively update Chapter 7.14 of the Municipal Code to regulate secondhand smoke at City facilities and in City vehicles, based on the information and findings presented herein.

**Section 5.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

**Section 6.** The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

***ADOPTED, SIGNED and APPROVED this 25<sup>th</sup> day of September, 2013.***

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Mayor, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1297 was duly and regularly introduced by the City Council of the City of Perris at a regular meeting held the 27<sup>th</sup> day of August 2013, and duly and regularly adopted by the City Council of the City of Perris at a meeting held the 24<sup>th</sup> day of September 2013 by the following called vote:

AYES: YARBROUGH, LANDERS, ROGERS, RODRIGUEZ, BUSCH  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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City Clerk, Nancy Salazar