



DISCUSSION ITEMS

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: March 13, 2018

Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

Prepared by: Sarah Henricks, Management Analyst Fellow
Jennifer Quinn, Economic Development Manager

Reviewed by: J Logan, Assistant City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2018-442
2. Breathe California of the Bay Area Memorandum of Understanding
3. Open City Hall Survey Data

Initiated by:

City Council

Previous Council Consideration:

December 13, 1979; July 26, 2017; August 23, 2017; October 24, 2017

Fiscal Impact:

The adoption of this ordinance will result in a fiscal impact for the cost and installation of “No Smoking” signs. In addition, the City will need to replace or modify trash receptacles that also serve as ashtrays in locations where smoking is proposed to be prohibited. Estimated project costs not to exceed \$5,000.

Environmental Review:

None required

Policy Question(s) for Council Consideration:

- Does City Council wish to expand the scope of the existing smoking restrictions and provide fewer exceptions for smoking or, as an alternative, create regulations that include principles of a “Smoke Free” City?
- Does City Council wish to authorize City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area to assist with implementation and enforcement of the new ordinance?



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

Summary:

- City Council is asked to consider repealing Chapter 6.28 of the City of Los Altos Municipal code in its entirety and replacing it with a new Chapter 6.28 to increase smoke-free environments in the City of Los Altos and to extend the definition to include cannabis
- Exceptions to the smoking restrictions apply in some enclosed and unenclosed areas, as defined within the ordinance, within the City of Los Altos
- Smoking tobacco products, cannabis products, and other controlled substances is prohibited
- City Council is asked to authorize the City Manager to sign the Memorandum of Understanding with Breathe California of the Bay Area to assist in implementation and enforcement of the new ordinance

Staff Recommendation:

Move to introduce and waive further reading of Ordinance No. 2018:442 replacing Chapter 6.28 of the City of Los Altos Municipal Code with a new Chapter 6.28 to further restrict smoking in the City of Los Altos with certain exceptions; and authorize City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

Purpose

Consider expansion of the scope of current smoking restrictions to include both enclosed and unenclosed publicly accessible areas, with certain exceptions, thus increasing the number of smoke-free environments within Los Altos; authorize the City Manager to sign the Memorandum of Understanding with Breathe California of the Bay Area to secure assistance in implementation and enforcement of the new ordinance.

Background

Tobacco use causes death and disease and continues to be an urgent public health challenge. Secondhand smoke is repeatedly identified as a health hazard. California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant. Exposure to secondhand smoke caused health problems that resulted in the death of approximately 2.5 million nonsmokers since 1964. The U.S. Surgeon General warns that while more research is needed to understand more fully the risks associated with aerosols from e-cigarettes or vaporizers, the aerosols can contain potentially harmful chemicals, including nicotine, ultrafine particles, volatile organic compounds, and heavy metals.

To provide for the public health, safety and welfare, the City of Los Altos Municipal Code Chapter 6.28 has governed smoking by discouraging the inherently dangerous behavior of smoking around non-smokers, especially children, those with lung health conditions and pets. Over the years, City Council continually supported expanding the reach of the Municipal Code as it relates to smoking restrictions.

- December 13, 1979, Ordinance 79-26: Prohibits smoking in “Certain Places,” such as elevators; public meetings; health facilities; theaters, auditoriums, pavilions, and exposition halls; retail stores; eating establishments; and places of employment
- July 26, 2011, Ordinance No. 2011-372: Prohibits smoking in Recreational Areas
- August 23, 2017, Ordinance No. 2017-432: Prohibits smoking on Civic Center Campus

October 24, 2017 Council considered Ordinance No. 2017-437 to extend the smoking ban to outdoor dining locations. However, Council felt the ordinance did not address all its concerns about smoking and asked staff to broaden the scope to a more comprehensive approach. City Council specifically cited criteria from the Santa Clara County Healthy Cities Initiative, which includes: outdoor dining areas, entryways, service lines and areas, multi-unit housing (must include units), and public events.

Discussion/Analysis

The City of Los Altos prioritizes the health and safety of its residents, employees and visitors, and has already made several strides to ensure smoke-free environments in some public spaces. The proposed ordinance expands the scope of the current smoking ban to include entryways, service areas, public events, and outdoor dining and bar locations, as well as prohibits smoking within 25-feet (25’) of these



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

areas. Adoption of the ordinance further ensures the health and safety of Los Altos residents, visitors, and workforce.

This ordinance expands the scope of the existing bans to include:

- Enclosed areas
 - Places of employment
 - Public places with exceptions
 - Recreational areas including sports facilities, community centers and library plazas
 - Common areas of multi-unit residences
- Unenclosed areas
 - Service areas such as bus stops, automatic teller machines, ticket lines
 - Outdoor dining areas
 - Outdoor bar or tavern areas
 - Downtown Triangle, with exceptions
 - Common areas of multi-unit residences
 - Within twenty-five feet (25') of all enclosed or unenclosed areas where smoking is prohibited, including entryways and exits, windows, openings, or vents
 - Public events
 - City-owned facilities and associated parking lots, streets, and sidewalks

Smoking is prohibited in all unenclosed areas that are within twenty-five feet (25') of any enclosed or unenclosed areas where smoking is prohibited by local, state, or federal law. This prohibition does not apply to unclosed areas of private residential properties including single family dwellings and multi-unit residences.

Smoking is prohibited *everywhere* in the Downtown Triangle except for the ten (10) City-owned parking plazas, provided the smoking does not occur within the 25-foot requirement.

Community Outreach

City staff created and implemented an outreach plan to inform the community on the development of a new smoking ordinance. While feedback was collected from anyone interested in contributing, the outreach plan specifically targeted the business community to gauge interest and level of support.

Business-specific outreach:

- Presented to Los Altos Chamber of Commerce Government Affairs Committee February 7, 2018
- Presented to Los Altos Property Owners Downtown (LAPOD) Board of Directors February 14, 2018
- Presented to Los Altos Village Association (LAVA) Board of Directors February 21, 2017
- Presented to Los Altos Chamber of Commerce Board of Directors February 21, 2017



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

The feedback collected at these meetings proved helpful to shape the proposed ordinance. Through conversations with the business organizations, staff went through several iterations of the proposed ordinance, with a focus on meeting the requests of City Council to address the criteria listed on the Santa Clara County Healthy Cities Initiative Dashboard. Staff also considered the implications of a smoking prohibition on the business community, specifically the recruitment and retention of employees in Los Altos as well as the impact on attendance at public events.

Additional business-specific outreach:

- February 26, 2018 mailed postcards to all businesses holding a business license in the City of Los Altos, excluding home-based businesses
- Visited restaurants in Los Altos business districts, presented flyers and encouraged survey participation and City Council meeting attendance or communication
 - February 23, 2018- Foothill Crossing and Woodland Plaza
 - February 24, 2018- El Camino Corridor, Village Court, Loyola Corners, and Rancho Shopping Center
 - February 26 & 27, 2018- Downtown Village

General Outreach:

- Posted articles in City Manager Weekly Updates- January 26, 2018; February 9, 2018; February 16, 2018; February 23, 2018; March 2, 2018; March 9, 2018
- Created and published *Smoke-Free Los Altos* webpage with information about the ordinance, outreach materials, a survey link, and smoking cessation resources January 26, 2018; Updated webpage as the scope of the ordinance changed
- Posted to KMVT February 1, 2018
- Created and published City of Los Altos Smoking Ordinance survey on Open City Hall February 6, 2018 to gauge community support or opposition; Survey open through midnight, March 9, 2018
- Provided press release to Town Crier February 20, 2018; article published February 28, 2018
- Posted to social media channels February 28, 2018: Facebook, Twitter, Nextdoor, Los Altos Patch

Enforcement

The proposed smoking prohibition ordinance is designed to be self-enforcing and to obtain voluntary compliance through visible signage and community outreach materials. Partnering with Breathe California of the Bay Area, the City will develop an educational campaign to inform residents, employees, and visitors of Los Altos of the new smoking prohibitions. As described in the attached Memorandum of Understanding (MOU), Breathe California will provide window decals to all businesses as well as tabletop placards to those with outdoor dining areas. Each window decal provides



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

a toll-free Secondhand Smoke Helpline, from which community members can receive information about the ordinance and assistance in obtaining compliance. Callers can also report violations on the Helpline. Per the MOU, Breathe California will track complaints, inform businesses of reported violations, provide compliance education, and report violations to the Los Altos Police Department. It is recommended that City Council authorize the City Manager to sign the MOU to secure assistance with implementation and enforcement of the proposed ordinance. Los Altos Police officers will also take an educational approach to enforcement of this ordinance; however, officers and Code Enforcement personnel may issue citations of up to \$500 for repeat offenders.

Community Comparisons

Many Santa Clara County cities have adopted similar ordinances to reduce community exposure to secondhand smoke. The Cities of Palo Alto, Los Gatos, and Sunnyvale, and County of Santa Clara adopted the most comprehensive bans. These jurisdictions prohibit smoking in parks and trails, outdoor dining areas, entryways, service areas, common areas and individual units of multi-unit housing, and at public events. Santa Clara County provided the table below.

10/2017: Tobacco-Free Communities - Policies Across Santa Clara County Jurisdictions							
Jurisdiction	Reducing Exposure to Secondhand Smoke						
	Parks & Trails	Outdoor Dining Areas	Entryways	Service Areas	Public Events	Multi-Unit Housing	Common Areas of Multi-Unit Housing
<i>% of County population covered by policy</i>	88.9%	91.4%	31.2%	77.8%		17.8%	73.2%
County of Santa Clara							
Campbell							
Cupertino							
Gilroy							
Los Altos							
Los Altos Hills				n/a*		n/a*	n/a*
Los Gatos							
Milpitas							
Monte Sereno	n/a*		n/a*	n/a*			
Morgan Hill							
Mountain View							
Palo Alto							
San Jose							
Santa Clara							
Saratoga							
Sunnyvale							

* Not included in denominator of % of county population covered by policy because don't have the specific venues/areas covered by policy (Ex. Monte Sereno & Los Altos Hills do not have any tobacco retailers)

Rev. 10/4/17



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

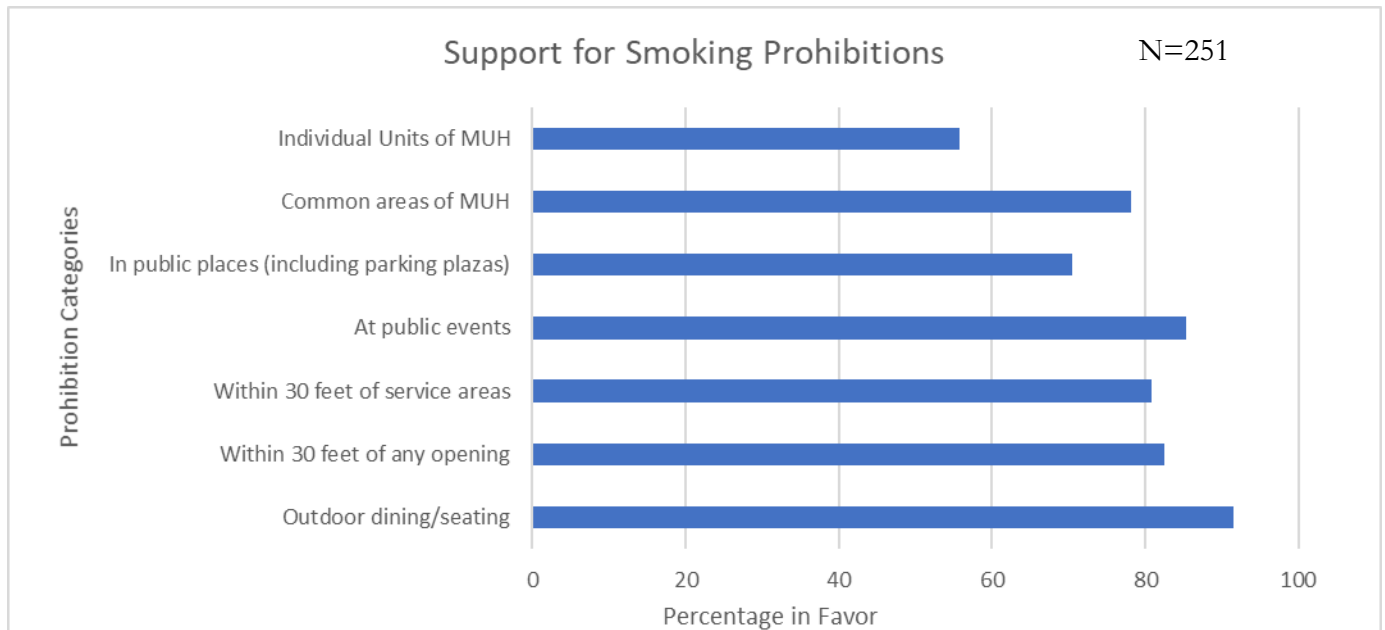
Community Response

Utilizing Open City Hall, staff collected feedback via a community survey. The survey was available from February 6 to March 9, 2018.

As of March 2, 2018, 12:01 PM the Open City Hall survey had 251 responses:

- 88.8% live in Los Altos
- 19.2% work in Los Altos
- 4.4% manage/own a business in Los Altos
- 0.8% manage/own a multi-unit residence in Los Altos

- 92.8% of respondents are non-smokers.



Survey results reveal a high level of support for the expansion of the City’s smoking prohibitions, particularly in outdoor dining areas, at public events, and within 30-feet of entryways and service areas (80% - 91%). Support decreases slightly for prohibitions in common areas of multi-family housing (78%). Support further decreases for prohibitions in *all* public places (e.g.; streets and sidewalks, parking plazas) (70%) and in individual units of multi-unit housing (55%).

Based on outreach efforts, public comments, and adoption of smoking prohibitions in surrounding jurisdictions, staff proposes an ordinance that increases smoke-free environments but provides for certain exceptions that permit smoking.



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

Options

- 1) Repeal Chapter 6.28 of the City of Los Altos Municipal Code in its entirety and replace it with a new Chapter 6.28 to increase smoke-free environments in the City of Los Altos; Authorize City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area

Advantages: Smoking restrictions increase the environments wherein smoking is prohibited thereby providing greater health protection to the public from effects of secondhand smoke. Action supports Santa Clara County Healthy Cities initiatives. Action provides certain exceptions that permit smoking in areas that are the least harmful to others. Action is responsive to many of the concerns of the business community. Action permits City to partner with Breathe California to assist in implementation and enforcement

Disadvantages: Restrictions to those who desire to smoke may inhibit their ability to participate in outdoor activities and dine outdoors, as well as their use of public spaces, which may curb attendance and their ability to purvey establishments in Los Altos; Likewise, an ordinance that prohibits smoking near establishments may deter current or potential employees from continuing or seeking employment in the City

- 2) Further expand the scope of the ordinance to prohibit smoking in individual units of Multi-Unit Residences and in City parking plazas within the Downtown Triangle. Authorize City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area

Advantages: Greater protections from secondhand smoke to individuals and families residing in multi-unit residences; Greater protections from secondhand smoke to visitors to Downtown Triangle; Action permits City to partner with Breathe California to assist in implementation and enforcement

Disadvantages: Regulation of activities within individuals' private residences and within private property; Provides for no designated smoking areas within the Downtown Triangle; May negatively impact employee recruitment and retention for Downtown merchants

- 3) Fully expand the scope of the ordinance to create a comprehensive ban on smoking City-wide, permitting smoking only in private, single-family, detached residences and private vehicles. Authorize City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area



Subject: Ordinance No. 2018:442: Smoke-Free Environments and Breathe California of the Bay Area MOU

Advantages: Prohibits smoking anywhere within the City of Los Altos that is accessible by the public. Action permits City to partner with Breathe California to assist in implementation and enforcement

Disadvantages: Limits ability of smokers who work, reside or visit Los Altos to participate in City activities, which may include attendance at City events

4) Keep Chapter 6.28 with no modification

Advantages: Those seeking the option to smoke while participating in outdoor activities, dining outdoors, and visiting Los Altos would continue to be able to do so.

Disadvantages: Establishments would be left to regulate smoking on their own on a voluntary basis

Recommendation

The staff recommends Option 1

ORDINANCE NO. 2018-442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REPEALING CHAPTER 6.28 OF THE CITY OF LOS ALTOS MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 6.28 DEFINING “SMOKE FREE ENVIRONMENTS” IN LOS ALTOS

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation’s leading cause of preventable death; and

Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke; and

The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and

The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers; and

To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 23 feet away from the source of the smoke, about the width of a two-lane road; and

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

Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke; and

Secondhand smoke is responsible for an estimated 41,300 deaths related to heart disease and lung cancer among adult nonsmokers each year in the United States; and

Exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent and increases the risk of stroke by 20 percent to 30 percent; and

WHEREAS, laws restricting use of electronic smoking devices also have benefits to the public as evidenced by the following:

Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene, in electronic smoking devices; and

The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of e-cigarettes in all areas where other tobacco products are banned;" and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

In an observational study of nearly 10,000 individuals, after cigarettes were smoked, 45 percent of cigarettes ended up as litter; and

In 2011, 22.6 percent of all debris collected from beaches and coastal areas are smoking related products; and

Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean; and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

In 2012, American poison control centers received 8,648 reports of poisoning by the ingestion of cigarettes, cigarette butts, and other tobacco products and 84.5 percent of these poisonings were in children ages five and younger; and

Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging; and

WHEREAS, despite limited research on the long-term effects of secondhand exposure to cannabis smoke, it is considered an irritant to the throat and lungs and contains levels of volatile chemicals and carcinogens that are similar to tobacco smoke, raising concerns about the risk for cancer and lung disease; additionally, some research suggests that cannabis Ordinance No. 2018-442

smoke is more harmful to the circulatory system than tobacco smoke; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions, including authority to completely ban smoking (Health & Safety Code §118910); and

WHEREAS, there is broad public recognition of the dangers of secondhand smoke and support for smoke free air laws, as evidenced by the following:

A 2008 survey of California voters found that 97 percent thought that secondhand smoke was harmful, 88 percent thought secondhand smoke was harmful even outdoors, 65 percent were bothered by secondhand smoke, and 73 percent support laws restricting smoking in outdoor public places; and

WHEREAS, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, 129 with local laws restricting smoking in outdoor dining places, and 48 with local laws restricting smoking on sidewalks in commercial areas; and

WHEREAS, there is no Constitutional right to smoke.

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco and cannabis use around non-users of either substance, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco and cannabis use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City of Los Altos.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 6.28 of the Los Altos Municipal Code entitled “Smoke Free Recreation Areas” is hereby repealed in its entirety and replaced with a new Chapter 6.28 entitled “Smoke-Free Environments” to read as follows:

6.28.010 DEFINITIONS. The following words and phrases, whenever used in this Chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “Bar” or “tavern” means any business licensed or required to be licensed by the Department of Alcoholic Beverage Control for alcoholic beverage on-sale privileged

as a “public premise” as defined by California Business and Professions Code section 23039.

- B. “Business” means any sole proprietorship, partnership, joint venture, corporation, associations, landlord, or other entity formed for profit-making purposes.
- C. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For purposes of this Chapter, the term “cannabis” shall include “cannabis,” “cannabis concentrate” and “cannabis products” as those terms are defined by California Business and Professions Code section 26001, and specifically includes hashish, dabs, or similarly mildly euphorogenic and hallucinogenic drugs are prepared from the plant genus *Cannabis*.
- D. “City” means the City of Los Altos.
- E. “Civic Center Campus” means the publicly owned property bounded by San Antonio Road and Hillview Avenue, including the Hillview Community Center, Los Altos Library, Los Altos Police Department, Los Altos History Museum, Los Altos Apricot Orchard, Los Altos City Hall, and all recreation and parking areas on this property.
- F. “Common area” means every enclosed or unenclosed area of a multi-unit residence that residents of more than one unit of that multi-unit residence are entitled to enter and/or use, including but not limited to, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.
- G. “Dining area” means any area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or drink.
- H. “Downtown Triangle” means the geographic area bordered by W. Edith Avenue, S. San Antonio Road, and Foothill Expressway and includes streets, sidewalks, and public plazas.
- I. “Electronic Smoking Device” means an electronic or battery-operated device that can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic

cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vape pen, or any other product name or descriptor.

- J. “Employee” means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services for an employer.
- K. “Employer” means any business or nonprofit entity that retains the services of one or more employees.
- L. “Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has
 - (1) Any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical constraint to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
 - (2) Four (4) walls or other vertical constraints to airflow including, but not limited to vegetation that exceeds six (6) feet in height, whether or not those boundaries include vents or other openings.
- M. “Multi-Unit Residence” means property containing two (2) or more dwelling units, including, but not limited to, apartment buildings, condominium complexes, senior and assisted living facilities, and long-term health care facilities. Multi-unit residences do not include the following:
 - (1) a single-family home; or
 - (2) a single-family home with a detached or attached in-law, second unit, or accessory dwelling unit permitted pursuant to California Government Code sections 65852.1, 65852.150, 65852.2 or an ordinance of the City adopted pursuant to those sections.
- N. “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a “Nonprofit Entity” within the meaning of this Chapter.
- O. “No smoking sign” means a sign containing the words “no smoking” or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette in a red circle or red heart with a red bar across it).
- P. “Open space” means any lot or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for

the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

- Q. “Person” means any natural person, individual, partnership, employer, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- R. “Place of employment” means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of operation, regardless of the hours of operation, including, but not limited to, vehicles used in employment or for business purposes, taxis, employee cafeterias, lounges and restrooms, hotels, conference and banquet rooms – or other dining areas, warehouses, long-term health care facilities, and lobbies and hallways. A private residence is not a “place of employment” unless it is used as a day services center or a child care, health care, board and care, or community foster care facility, licensed by the State of California.
- S. “Public event” means any event which is open to and may be attended by the general public, including but not limited to such events as farmers’ markets, parades, craft fairs, festivals, concerts, performances or other exhibitions, regardless of any fee or age requirement.
- T. “Public place” means any area publicly or privately owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not and regardless of any age requirement. Examples of “public places” include but are not limited to places of business or employment, restaurants, restaurant/bar combinations, bars, outdoor dining or seating areas, offices, waiting rooms, entryways and exits, lobbies, service areas, theatres, museums, hotels, recreation areas, sports arenas, parks, city facilities, plazas, parking lots and garages, and open spaces.
- U. “Reasonable Distance” means a distance of twenty-five (25) feet in any direction from an area in which smoking is prohibited.
- V. “Recreational Area” means any area that is publicly owned, controlled, or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, open spaces, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. For the purposes of this Chapter, “recreational area” also includes any associated parking lot or other area designated or primarily used for parking vehicles of persons accessing a recreational area.

- W. “Service Area” means any publicly or privately-owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “Service Area” includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.
- X. “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine or cannabis or other controlled substances *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, electronic smoking device vapors, and cannabis smoke or vapors.
- Y. “Smoking” means inhaling, exhaling, emitting, burning, possessing, holding, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, any other smoke or vapor inhalation device, lighted smoking equipment, or accessory used for burning or vaporizing any tobacco product, cannabis, plant, or other combustible substance. “Smoking” includes smoking cannabis or marijuana for medical purposes.
- Z. “Sports arena” means enclosed or unenclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, baseball stadiums, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.
- AA. “Tobacco Product” means:
- (1) any substance containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
 - (2) any electronic smoking device, and
 - (3) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including but not limited to cartridges for electronic cigarettes or electronic smoking devices.
 - (4) Notwithstanding any provision of subsections (1), (2), and (3) to the contrary, “Tobacco Product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other

therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

BB. "Unenclosed area" means any area that is not an enclosed area, defined in this section.

6.28.020 PROHIBITION OF SMOKING IN ENCLOSED PLACES

A. Smoking is prohibited in the enclosed areas of the following places within the City of Los Altos:

- (1) Public places;
- (2) Places of employment in accordance with California Labor Code section 6404.5, as may be amended;
- (3) Other businesses that have a common or shared air space with an enclosed area in which smoking is prohibited by law, such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways. Notwithstanding any other provisions, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas shared a common or shared air space;
- (4) Common areas of multi-unit residences; and
- (5) City-owned vehicles and facilities.

B. Smoking is prohibited by this Chapter in all enclosed places of employment exempted by the California smoke-free workplace law (Labor Code section 6404.5 (e), as that section may be amended from time to time) except as provided below:

- (1) Smoking inside a tobacco shop is not prohibited by this subsection if (a) the tobacco shop does not sell edible products, including, for example, food, water, or drinks, or allow such products to be consumed on the premises; (b) the tobacco shop prohibits minors from entering the store at all times; and (c) the premises of the tobacco shop is an independent freestanding building unattached to any other building, establishment, or use. For the purposes of this exception, "Tobacco Shop" means any tobacco retailer that derives more than seventy-five percent (75%) of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.
- (2) Smoking in a theatrical production by the actors is not prohibited by this subsection if smoking is an integral part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience.

6.28.030 PROHIBITION OF SMOKING IN UNENCLOSED AREAS

A. Smoking is prohibited in the unenclosed areas of the following places within the City of Los Altos:

- (1) Recreational areas and associated parking areas
- (2) Service areas

- (3) Dining areas
- (4) Bar or tavern areas
- (5) Civic Center Campus
- (6) Downtown Triangle
 - i. Exception. The prohibition in this subsection (6) shall not apply to the ten (10) City-owned parking plazas located within the Los Altos Downtown Triangle, provided that smoking permitted by this subparagraph (i) may not occur within the reasonable distances required by Section 6.28.040 of this Chapter.
- (7) Common areas of multi-unit residences, provided, however, that a person with legal control over a common area may designate a portion of an unenclosed common area as a designated smoking area if the designated smoking area meets all of the following criteria:
 - i. the area must be located a reasonable distance from any unit or enclosed area where smoking is prohibited by this Chapter or other law;
 - ii. the area must not include, and must be a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;
 - iii. the area must be no more than ten percent (10%) of the total unenclosed area of the multi-unit residence for which it is designated;
 - iv. the area must have a clearly marked perimeter; and
 - v. the area must be identified by conspicuous signs.
- (8) City facilities
 - i. Unenclosed facilities owned or controlled by the city, such as corporation yards, service yards, and parking lots, and including streets and sidewalks.
- (9) Public events

B. Nothing in this Chapter prohibits any person or employer, with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

6.28.40 REASONABLE SMOKING DISTANCE REQUIRED

A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited by this Chapter or state or federal law.

B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited by this Chapter or state or federal law.

C. The prohibitions in subdivisions (a) and (b) shall not apply to unenclosed areas of private, residential properties including single-family dwellings and multi-unit residences.

6.28.050 OTHER REQUIREMENTS AND PROHIBITIONS.

- A. No person, employer, or nonprofit entity shall knowingly permit smoking in an area which is under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law.
- B. No person, employer, or nonprofit entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law, including, without limitation, within a reasonable distance required by this Chapter from any area in which smoking is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this Chapter.
- C. A person, employer, or nonprofit entity that has legal or de facto control of an area in which smoking is prohibited by this Chapter shall post a clear, conspicuous and unambiguous “No Smoking” or “Smoke-free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in Section 6.28.040. For purposes of this section, the City Manager or his / her designee shall be responsible for the posting of signs in regulated facilities owned or leased by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this Chapter.
- D. No person, employer, business, or nonprofit entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this Chapter.
- E. Each instance of smoking in violation of this Chapter shall constitute a separate violation.
- F. This Chapter shall not be interpreted or construed to permit smoking, including smoking cannabis, where it is otherwise restricted by other applicable laws.

6.28.060 PENALTIES AND ENFORCEMENT.

- A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity. Enforcement of this Chapter shall be the responsibility of the City. In addition, any peace officer or any enforcement officer designated by the City Manager also may enforce this Chapter.

B. Each incident of Smoking in violation of this Chapter is an infraction subject to the following fines:

- (1) up to one hundred dollars (\$100) for the first violation;
- (2) up to two hundred dollars (\$200) for a second violation within one year;
- (3) up to five hundred dollars (\$500) for a third violation within one year.

C. Violations of this Chapter are subject to a civil action and/or administrative citation brought by the City in accordance with Chapter 1.30 of the City Code as applicable.

D. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

Except as otherwise provided, enforcement of this Chapter is at the sole discretion of the City. Nothing in this Chapter shall create a right of action in any person against the City or its agents to compel public enforcement of this Chapter against any party.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding "MOU", dated as of _____ is made by and between the City of Los Altos and Breathe California of the Bay Area.

Recitals

WHEREAS the City of Los Altos is adopting an ordinance to prohibit individuals from smoking and using tobacco products in certain areas in the City of Los Altos ("proposed ordinance");

WHEREAS the City of Los Altos values community education and health promotion as first step in lieu of penalties and fines;

WHEREAS Breathe California of the Bay Area has operated a Secondhand Smoke Helpline for over 20 years for individuals to lodge complaints about smoking occurring in places where it is prohibited by law;

WHEREAS Breathe California of the Bay Area's Secondhand Smoke Helpline has been particularly valuable in fielding complaints and educating the public since the 1998 enactment of a statewide policy for smoke-free bars;

WHEREAS Breathe California of the Bay Area has also served a major role in the adoption of the City of Milpitas, Saratoga, Cupertino, and San Jose's smoke-free outdoor dining policy;

WHEREAS the City of Los Altos desires the assistance of Breathe California of the Bay Area in supporting implementation of the ordinance;

WHEREAS Breathe California of the Bay Area wishes to provide assistance to the City of Los Altos to support implementation of the ordinance.

Agreement

NOW, THEREFORE, in consideration of the foregoing, the parties hereto agree to following:

- The City of Los Altos may print Breathe California of the Bay Area's Secondhand Smoke Helpline number on outreach materials so that City of Los Altos residents and

visitors may report incidences of smoking and tobacco use in violation of the City of Los Alto’s ordinance and any other secondhand smoke concerns;

- Breathe California of the Bay Area will receive and track calls from individuals in the City of Los Altos regarding concerns about secondhand smoke;
- Breathe California of the Bay Area will educate callers about applicable smoke-free and tobacco-free laws;
- Breathe California of the Bay Area will inform business owners and landlords ("responsible parties") about complaints of smoking and tobacco use on their premises, while keeping the identities of complainants anonymous, if anonymity has been requested;
- Breathe California of the Bay Area will educate responsible parties, by telephone or via in-person visits, regarding the hazards of secondhand smoke and their responsibilities under smoke-free and tobacco-free laws.
- Breathe California of the Bay Area will report responsible parties to the City of Los Altos Code Enforcement staff if violation complaints persist after the below described intervention;
 - Breathe California will contact the “responsible parties” directly via telephone or in-person visits up to two (2) times, to provide support and resources in obtaining compliance, accompanied with official notification in the form of a letter that a violation of smoke-free and tobacco-free laws has been reported.
 - Upon the third violation complaint for “responsible parties”, Breathe California of the Bay Area will provide final notification that the “responsible parties” will be reported to City of Los Altos Code Enforcement staff for penalties and fines.
- Between the time that the ordinance becomes effective and July 2020, the City of Los Altos and Breathe California of the Bay Area will communicate bi-annually regarding Breathe California of the Bay Area’s activities under this MOU;

After July 2020, the City of Los Altos and Breathe California of the Bay Area will discuss future timelines for this MOU to be in effect and/or renewed.

In witness whereof, the parties hereto have caused this MOU to be executed and delivered by their duly authorized officers as of the date written above.

City of Los Altos

Breathe California of the Bay Area

By: _____

By: _____

Name:

Name: Margo Sidener

Title:

Title: Acting Executive Director

City of Los Altos Smoking Ordinance

The City of Los Altos wants your feedback on the potential expansion of its smoking ordinance.

All Responses sorted chronologically

As of March 2, 2018, 12:01 PM



Open City Hall is not a certified voting system or ballot box. As with any public comment process, participation in Open City Hall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

City of Los Altos Smoking Ordinance

The City of Los Altos wants your feedback on the potential expansion of its smoking ordinance.

As of March 2, 2018, 12:01 PM, this forum had:

Attendees: 332

All Responses: 251

Hours of Public Comment: 12.6






This topic started on February 6, 2018, 1:50 PM.

City of Los Altos Smoking Ordinance

The City of Los Altos wants your feedback on the potential expansion of its smoking ordinance.




Responses

1. What is your affiliation with the City of Los Altos (Check all that apply)




		%	Count
I live in Los Altos		88.8%	222
I work in Los Altos		19.2%	48
I manage and/or own another type of business in Los Altos		4.4%	11
I manage and/or own a building with two or more residential units in Los Altos		0.8%	2
None of the above		4.0%	10

Do you support banning smoking in the following locations?

2. Outdoor patios and seating areas where food or drink are consumed

		%	Count
Yes		91.6%	230
No		7.2%	18
Not Sure		1.2%	3




3. Within 30 feet of any operable doorway, window, opening or vent of a building

		%	Count
Yes		82.5%	207
No		14.3%	36
Not Sure		3.2%	8




4. Within 30 feet of “service areas,” such as transit stops or ATMs

City of Los Altos Smoking Ordinance




The City of Los Altos wants your feedback on the potential expansion of its smoking ordinance.

		%	Count
Yes		80.9%	203
No		15.9%	40
Not Sure		2.4%	6




5. At outdoor public events, such as farmers' markets and concerts

		%	Count
Yes		85.3%	214
No		13.1%	33
Not Sure		1.2%	3

6. In public places, including city-owned parking plazas

		%	Count
Yes		70.5%	177
No		24.7%	62
Not Sure		4.0%	10

7. In common areas of any multi-family housing unit as well as balconies and patios located within 30-feet of any doorway, window, opening, or other vent opening into an enclosed area where smoking is prohibited (this would apply to apartments, condominiums and townhomes or any other building with two or more attached residences)

		%	Count
Yes		78.1%	196
No		15.5%	39
Not Sure		4.4%	11

8. Do you smoke cigarettes, e-cigarettes, cigars, or other tobacco or cannabis products?

City of Los Altos Smoking Ordinance

The City of Los Altos wants your feedback on the potential expansion of its smoking ordinance.

		%	Count
Yes		7.2%	18
No		92.8%	233

Please share any additional comments you may have about the potential expansion of the City of Los Altos Smoking Ordinance.

Answered 91

Skipped 160

all also **altos** area **areas** ban banning cigarette do don from
health idea just **like** **los** more ordinance outside **people** places **public**
s smell **smoke** smoker **smokers** **smoking** so t they
those **time** units use **was** where **who** within years

9. Do you support banning smoking in individual units of multi-unit housing?

		%	Count
Yes		55.8%	96
No		24.4%	42
Not Sure		19.8%	34

Please share any additional comments you may have about the potential expansion of the City of Los Altos Smoking Ordinance.

<p>If a complex is new construction and is designated non smoking from the beginning that's ok, but to change the designation later is like someone buying a home close to an airport and then complaining about the noise.</p>
<p>Consider this: alcohol is considered detrimental to public health. As a result, one cannot consume alcohol in public. Tobacco is known - not considered- to kill the smoker and or seriously impact the health of the smoker or of those around the smoker. Smoking is a threat to the public health, and should be banned in public places because of its effects. An outright ban on public smoking is necessary because smoking is not a choice, it is an addiction, the neural implications of which compromise the ability of smokers like myself to make responsible decisions regarding personal and public well being. This is not a legal issue because smoking is not a right, it is a privilege that should be enjoyed (if a smoker can honestly call it that) in private, and this privilege can be curtailed or rescinded if smokers cannot be responsible. The question is not whether or not to ban smoking in public places, the question is do we have the respect and the responsibility to ban such a hazardous item from use in public.</p>
<p>30 feet is excessive especially near service areas. Employees deserve their right to relax. If public venues like Farmers Market etc. are restricted there should be at least a designated area for smoking.</p>
<p>I feel the expansion is heavy handed goes way too far! Especially when it includes vape tobacco and cannabis products. Cigarette smoke smells and can be annoying to others. It's not the same with e-cigs and the like. These products are legal and should not be overly restricted as to their use in public. People who smoke are ostracized as it is. Allow for compassion.</p>
<p>A smoke free environment is cleaner, safer, healthier, and more likely to be being frequented by people of all ages.</p>
<p>I'm very sensitive to smoke in general.</p>
<p>However, vaporizers (used by others) are not nearly as disturbing to me as normal cigarettes or cigars.</p>
<p>I am not a smoker, but I feel the City is going too far in restricting personal rights. I think smoking should only be banned indoors and at restaurants who have outdoor seating.</p>
<p>Employment of workers for restaurants is difficult at best. They all smoke and need to be allowed to light up out back in the parking lots during breaks. This will impact business in a negative way if passed.</p>
<p>Too much nanny government</p>
<p>This include no on smoking for those who use any type of electronic cigarettes.</p>
<p>Thank you for doing this.</p>
<p>What kind of support with the city have to enforce this once passed?</p>
<p>This is essential. I grew up with a smoker and know how dangerous second-hand smoke can be. People/children should not have to be exposed to this smoke when in a park, walking into a building, etc. Additionally, smokers have a belief that cigarette butts decompose and don't seem to see it as littering when they leave their butts on the ground.</p>
<p>I do not support a city-wide ban on smoking. A lot of our service people do smoke. If they couldn't smoke close to the building, they might just go to their car and smoke with their windows down so what has good been accomplished? This ban is too far reaching. Not many people smoke in Los Altos now so I do not think this is a burning (pun intended) issue.</p>
<p>Concern: Los Altos drastically needs to attract workforces to Los Altos businesses. Smoking is a legal addiction. Those that do smoke should be restricted, not prohibited from Los Altos. I am DownTown daily & rarely see smokers on Main & State. I do see more smoking in the plazas, away from the</p>

public. Please be cautious as you consider laws that might impact current & potential employee decisions.
I smoked cigarettes for 40 years, beginning at age 16. There was a lot of peer pressure and many adult smokers. I stopped smoking 25 years ago and now realize how polluting smoke is. I would hope that making Los Altos a smoke free city will discourage our youth from starting the unhealthy habit.
It is a poor idea and another case where govt. wants to run your life!
Stop the ban on cannabis delivery in our town.
Apart from restaurant open areas and playgrounds, it is overreach for the City to ban smoking. I fear it will put enforcement officers in an impossible position.
I was a smoker for 40 years - started at 16. Peer pressure. I regret it. If smoking is not a part of the community culture maybe young people won't start
Today's restrictions are enough. More feels like persecution. Is 2nd hand vape exposure proven to be dangerous?
Are we the New Bible Belt?
Although those who smoke feel their rights are being taken away, there are still ample private areas where they can still smoke without impinging on the rights of non-smokers.
Great idea!
I particularly like the idea of banning smoking in multi-unit housing. There is no way a neighbor can escape from smoke that infiltrates their indoor and outdoor living space. My son tried to put up fans to deflect the smoke from a neighbor who thought smoking outside would be better than inside. Smoke just wafted inside my son's condo, so windows had to be constantly shut.
I own 20 apartments in Sunnyvale (live in Los Altos) and began no smoking in my units and also anywhere on my property many years ago -long before the City took action on no smoking. I had found that smokers left smoking odors in the apartments -- on walls, carpet, etc. and getting it cleaned up was expensive. I gave the tenants a 30 day notice to stop smoking in their unit and on the property (had to go out into the street if they wanted to smoke) and it has worked with no problems. When I advertise a vacancy I specify no smoking and the city now has laws.
While I don't smoke and don't like to smell smoke or have people smoking near me, we do have to provide places for those who do smoke, to do it without having to drive out of town. Parking plazas are places where most people are just passing through so they would be a suitable location for smoking.
The wider the smoking the ban can be, the better for our entire population. As the spouse of an ex-smoker who has survived lung cancer, the more the community can do to assist in preventing exposure to smoke, the better off we will be. Our children in particular do not need to be subject to second hand smoke.
consider banning smoking except in city-owned parking plazas so retail and restaurant workers addicted to nicotine have someplace near their workplace to smoke
Vaporizer should be treated separately. Smoking is not a crime. It is important to be a friendly town to all. Employees will have even more difficulty hiring people if you ban smoking. Whole families will not visit if one person smokes.
I support limitations but think this draft goes to far especially in the multi unit housing.
I'd like also to ban smoking in parks and on streets near schools
At public events it may be helpful to have designated smoking areas
I know it is very difficult to stop smoking, but I feel that smokers must respect the rights of others who don't wish to have the effects of secondhand smoke. Perhaps there could be one single place in town, away from the centre, where smokers could gather??

Great idea. We should also increase the enforcement of existing Smoking ordinances. Many people continue to smoke at the entrance of restaurants without any consequence.
If a property owner of a unit in a multi dwelling complex is currently a smoker, I don't think it is fair to that person to not be able to have the option of smoking somewhere on their complex property. Perhaps an area of the these complexes can find a designated smoking area to accommodate the smokers that live within the complex.
The proposed ordinance is simply good public health and is supported by incontrovertible scientific evidence gathered over the past 50+ years.
Can the owner of a multi-unit residential building choose to make building non-smoking? Or is an ordinance needed? Can ordinance give developer/owner the option?
We have no means to enforce this unless we rely on neighbors reporting each other which is a waste of limited law enforcement personnel . Too much encroachment of govt on private liberties
2-3 Not clear if public and/or private areas
7 not clear if this would prevent any smoking in some units, and if so, whether the units would have to be sold or rented as "non-smoking"
9 I understand the problem is common air ducts between units, but perhaps there should be someplace where someone can smoke at home with minimal contamination in other units that's allowed. Perhaps smoking can be banned within 10 feet of a vent, and use of a water-filled ash tray required.
The health aspect of smoking is very well documented especially 2nd hand smoke. I did live in an apartment at one time and the smoke came through the vents - it is quite disgusting.
I quit smoking in August, 1983 and wished I had never started. I was able to quit smoking when I substituted exercise for a cigarette. I current have lung issues and when I am around someone's smoke I have a difficult time of breathing. It is a horrible habit and we need to discourage people of all ages to stop smoking. We need to keep Los Altos a healthy place to live, shop, and visit.
Second hand smoke is dangerous
Being near people smoking marijuana gives me severe headaches.
I am in favor of banning smoking of tobacco and cannabis in all outdoor public spaces (Q2-6). However, e-cigarettes should NOT be included in the ban since they produce no harmful by-products, just water vapor and ethylene glycol (same as theater smoke).
Should find various smoke free locations in in downtown areas, perhaps like parking lots. My check marks in the survey is meant to exclude the smoking ban from external parking areas (to enable smokers to find a public area where they can smoke without "impacting" other people.
I think an expansion is definitely needed. According to the Centers for Disease Control and Prevention (CDC), e-cigarette aerosol that users breathe from the device and exhale can contain harmful and potentially harmful substances, including: Nicotine, which is especially harmful to adolescent brain development Ultrafine particles that can be inhaled deep into the lungs Flavoring such as diacetyl, a chemical linked to a serious lung disease

<p>Volatile organic compounds</p> <p>Cancer-causing chemicals</p> <p>Heavy metals such as nickel, tin, and lead</p>
<p>It's not good for anyone.</p>
<p>Think of the children and the health of all people on our planet</p>
<p>Will city council also ban internal combustion engines from the city? How about backyard barbecues? Fireplaces? What about all the smoke that issues from Palo Alto Grill? If those items aren't on the banned list, then this isn't about protecting peoples' health.</p>
<p>Los Altos is a family friendly community, and I hope it continues to be so. Smoking is a horrible habit which should not be flaunted in front of our impressionable youth. While smokers may find this ordinance restrictive, I hope it's a wake-up call to quit this disgusting and unhealthy lifestyle choice.</p>
<p>I would prefer if smoking was banned 100% in the entire city. Residential neighborhoods also. The smoke travels outside from house to house. Only allow smoking indoors in your own house.</p>
<p>The proposed ordinance is oppressive. Smoking is legal. The ordinance is unwelcoming to our City. People of all races and religions are welcome, but not smoker. The enforcement arm is horrible. The City wants neighbors to call the police on their neighbors. The City Council set their priorities for the year and this is a waste of time for staff, the police and all the residents.</p>
<p>I was a heavy smoker for years, and quit 40 years ago. Since then, I am increasingly allergic to cigarette smoke and would not like to encounter it anywhere in public.</p>
<p>Regarding banning smoking in individual units of multi-unit housing: I recommend banning smoking in individual units that share forced air HVAC/ventilation systems. If the HVAC is vented directly to the outdoors for each individual unit, so no air is exchanged between units, then I recommend that smoking continue to be allowed.</p>
<p>Yes. This is long overdue and much needed protection for the health of residents and visitors to the City of Los Altos.</p>
<p>Good idea!</p>
<p>I used to smoke cigarettes, 35 years ago. I have been to hotel where people would smoke under the balcony - outside - with wind blowing it into our room. I use medicinal marijuana. With marijuana now ok for recreational use, it is more difficult for those who use it medicinally. All use is now grouped with any type of smoke. I have always been discreet and respectful of others.</p>
<p>I live in Los Altos Hills only a mile from downtown Los Altos. I frequently go to Los Altos for shopping, banking and to restaurants, so I am very much in favor of smoking bans EVERYWHERE.</p>
<p>Was this triggered by the cigar-smoking man who sits on the comfy green upholstered wood chair/sofa area in front of the bank at the corner of 3rd & Main streets? Just curious! I've walked that area frequently when he's there smoking a cigar - the smell is obnoxious.</p>
<p>People smoke. They are not bad people. There must be safe places for smokers to smoke. Many Vaporizing devices have no odor or no offensive odor and might be treated differently. I don't like my kids having to smoke. Parks should also be smoke free. The problem of cigarette butt pollution should also be addresses.</p>
<p>I worry that there will be a backlash against including e-cigs outside, but definitely favor the idea, and am especially concerned about cannabis smoking in public. Really smelly and very bad idea to normalize this.</p>

But I did smoke for many years and know how difficult it is to stop. But much better off for having stopped, thirty years ago.

Smoking is proven to be harmful at any level. The less exposure people get, the better.

I support Los Altos becoming a smoke-free city, especially in conjunction with the World Health Organization's definition of such. My concern is that the 30 foot limit proposed is outside of traditional 15-25 foot recommendations (<http://no-smoke.org/learnmore.php?id=669>) and may be seen as so restrictive as to invite a lawsuit.

I support banning smoking in areas, including city-owned public places, when dense crowds are present, such as concerts and street fairs, or in areas that have children present, such as parks, playgrounds, or multi-tenant housing common areas. If a citizen decides to smoke in a city owned public area that is not within 15-25 feet of a restricted area and there are no other citizens nearby, I think that should be allowed.

The really big question is, how are you planning to support and uphold such an ordinance?

I do feel that this has to be treated somewhat carefully. I do not smoke, have never smoked and hate the smell of cigarette smoke. When I was pregnant I felt really defenseless if I was in for example a restaurant waiting area and someone was smoking outside and I could smell the smoke every time someone opened the door because I was unable to really remove myself from the situation. But at the same time I hate to see smokers vilified. I have friends who are smokers. They aren't bad people, they just have a bad habit and I know many if not all of them want to quit. Until they are able to get there I hate to see them have to walk a mile out of their way to smoke when they are out somewhere. My husband used to smoke and now he vapes. I'm proud of him for finding something that works for him that's not smoking. And because of the addictive properties of nicotine, he needs it. He is courteous about vaping but if you shut down every opportunity for him to politely excuse himself for 5 minutes to go outside and vape, I can see it affecting our willingness to eat in los altos.

This is non-sense. I don't smoke and I really hate the smell of a cigar, BUT we are talking about outdoor places. Where are they going to smoke then? Aren't they paying taxes? Why they can't enjoy their time outside? If you don't want to smell a cigar, just walk away a little bit and problem solved.

Banning smoking doesn't make any sense. It is an attempt against their rights.

As a family of four with young kids, I fully support the expansion of smoking ordinance. and no smoking should be allowed near schools, parks, where kids frequent.

I do not smoke but I respect the right of others to smoke with reasonable limits. Some of the restrictions proposed here are not reasonable.

Moreover, I have never seen smoking cause problems in Los Altos. I'd rather the City Council focus on other matters.

I am very strongly in favor of further limiting smoking.

While I don't smoke, making something that is legal impossible for ppl to do anywhere but their own home is just not the right approach. In places with food or you at sitting for a long time, sure but keep it within reason.

Also, given that e-cigarettes and vaporizers don't produce any kind of real smoke or side effects, I would not include them in this ordinance (or at least be a lot more strict with real smoke and allow e-devices in more places).

In open areas and parks, the smell of cigarette smoke is not overly bothersome, but with the recent legalization of marijuana, the smell of smoke from this product seems to carry long distances and is highly offensive, so I am now in favor of a total ban on smoking products.

I don't want Los Altos to be known for being the Nazi of the cigarette. Let people be free! Focus on more important stuff, like the beautification of the city, and making the town more lively.

Thank you for considering the health and safety of our community!

I QUIT smoking about 10 years ago, for our health we all need to quit, never start or reduce our smoking...huge health impact on everyone near smoker as well as smoker.

Great idea.

I do not smoke tobacco. Smoking is bad. I occasionally vape cannabis at private parties

So you are saying you are banning all smoking in multifamily housing, because there is virtually always a window or exterior door within 30 feet in a residence. I don't believe in outlawing legal behaviour within a person's own home. We just need to work on educating people to not smoke in the first place. It has certainly gotten better over the past 50 years of public education on this topic, and society needs to continue doing that. Even your 'Outdoor patios and seating areas...' does not specifically state that it refers to businesses. Is this in someone's own back yard too?

I have been against legalization of marijuana since the beginning because I knew people would be walking around smoking and it would be infringing on my ability to breathe clean air, so I applaud the city for considering banning smoking of all types in public places. If people want to smoke in their cars or in the privacy of their homes, then fine, but not when I am outdoors trying to enjoy fresh air. Next please consider banning people from taking dogs inside stores! I don't want to be shopping with a dog. They belong in parks and on walks, not inside clothing and grocery stores.

Thank you.

We know that second hand smoke is bad! Please reduce our exposure for everyone who does not want it!

Maybe a sign in Los Altos that says: For those ignoring our smoking laws, please take your butts with you!

The proposed rules are overly stringent. Also, whatever applies to cigarettes should also apply to cigar and pipe smoking.

We don't have a smoking problem in Los Altos. This ban would only further our unfriendly reputation.

The only place where there should be prohibited smoking is outdoor dining areas.

People are going to smoke. Outdoors or within the confines of their own "home/space", be it a house apartment or car should remain open to them. In addition, enforcement of such restrictions would

be difficult, time consuming and would seem a waste of taxpayer money. To date, I have not noticed a problem with smokers in Los Altos or anywhere else in our general area.

There are quite a few marijuana smokers appearing on the sidewalks of the city around my neighborhood. The smell is unmistakably clear and i am worried that it is a negative influence on the community.

Smoking, by its nature, affects bystanders. There is no way to avoid secondhand smoke, and the associated health risks, except by avoidance. This measure protects non-smokers, and will likely have the added benefit of reducing cigarette butt litter.

Please take thuis small step to help keep us all healthy!

I grew up with smokers and my father-in-law died of emphysema. Smokers can smoke in their own homes but shouldn't have the right to make me or my children inhale their smoke. When I am behind a car that has a smoker in it, I have to close my air vents so my car doesn't fill with smoke. In addition, smokers leave cigarette butts all over the streets, creating litter.

Yes! Go for it! Smoking is so 1980's. We live in the 21st century, it is time to do away with this nonsense in public spaces.

Those "Second Hand Smoke commercials say it all...even smoke we cannot see is dangerous (and annoying) to our heath...especially children! Also, smoking is a bad example to set for children.

Thank you for this new Ordinance

There already is a smoking law prevents people from smoking in bars and restaurants as well as within 30 feet of any establishment that serves food. If you are to tell a smoker or someone who Vape™s; which is not smoke, that they are not welcome to walk and smoke/vape on the sidewalks regardless if they are abiding by the current law and no restaurant is within 30 feet of them, then they are essentially being told that they are not welcome in the downtown area. That would have an impact on businesses not to mention it would be discriminatory. Think of all the people at an art and wine festival. It would be better to have dedicated smoking areas off the beaten path. And I™m not talking about having it at Hillview or Lincoln Park. Talk about feeling ostracized! People would not want to attend. So much for patronage. Just consider how social media works. That would be some bad press. People who complain about asthma or other respiratory issues should carry an inhaler at all times if not an oxygen tank. Smoking/secondhand smoke is small in comparison to exhaust from vehicles either idling or driving by. I assure you that there are far more vehicles than there are smokers in Los Altos. You just have to take a look around and count.