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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ADDING CHAPTER 6.23 TO THE RIVERSIDE MUNICIPAL CODE TO PROHIBIT SMOKING IN PUBLIC PLACES

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 6.23.010 entitled “Findings” is added to the Riverside Municipal Code as follows:

“6.23.010 Findings

The City Council finds that the smoking of tobacco is a danger to the health and a material annoyance, inconvenience, discomfort and a possible health hazard to those who are present in confined spaces, and in order to serve public health, safety and welfare, smoking in public places is prohibited. The City Council further finds that prohibiting the use of electronic cigarettes in locations where smoking is prohibited, including City-owned buildings, will protect the health of the citizens of the City of Riverside, facilitate enforcement of the smoking prohibition of this chapter, and protect youth from observing behaviors that could encourage them to smoke tobacco products.”

Section 2: Section 6.23.020 entitled “Authority and Purpose” is added to the Riverside Municipal Code as follows:

“6.23.020 Authority and Purpose

- A. This Chapter is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.
- B. The purpose and intent of this Chapter is to ensure that public places are safe and free from smoking and its related fire hazards.”

Section 3: Section 6.23.030 entitled “Definitions” is added to the Riverside Municipal Code as follows:

“6.23.030 Definitions

- A. “Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a

1 device, whether or not sold separately; and includes any such device, whether manufactured,
2 distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an
3 electronic pipe, an electronic hookah, or any other product name or descriptor.

4 B. "Smoke" or "Smoking" means and includes any of the following: (1) the direct burning
5 or indirect heating of any cigar, cigarette, pipe, electronic smoking device, or any similar kind of
6 smoking equipment or article, using any form of tobacco, plant product, or other combustible
7 substance in any form, or (2) the holding or carrying of a lighted or operated cigar, cigarette, pipe,
8 electronic smoking device, or any other lighted smoking equipment or device, or (3) emitting or
9 exhaling the smoke directly from a cigar, cigarette, pipe, electronic smoking device, or any other
10 lighted smoking equipment or device. "Smoke" also means the gaseous or vaporous products or
11 particles created by the use of a lighted or operated pipe, cigar, cigarette, electronic smoking device,
12 or other kind of smoking equipment or article.

13 Section 4: Section 6.23.040 entitled "Smoking Prohibited – Public Places" is added to the
14 Riverside Municipal Code as follows:

15 6.23.040 Smoking Prohibited – Public Places

16 It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or
17 any flaming or glowing substance in any public place including any place within the city, public or
18 private, that is open to the general public regardless of any fee or age requirement, including, for
19 example, city buildings, facilities, parks and community centers; bars; restaurants; stores; stadiums;
20 service areas such as gas stations or ATM lines; playgrounds; taxis; buses or public transit stops.

21 Section 5: The City Council has reviewed the matter and, based upon the facts and
22 information contained in the staff reports, administrative record, and written and oral testimony,
23 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)
24 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter
25 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the
26 environment nor have a significant impact on the environment.
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