

Mt. Shasta City Council Regular Planning Commission Meeting Agenda

Mt. Shasta Community Center, 629 Alder Street Tuesday,
 Tuesday, September 20, 2016; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Page	Item	STANDING AGENDA ITEMS
	1. Call to Order and Flag Salute	
	2. Roll call	
4	3. Approval of Minutes:	Planning Commission General Meeting Minutes for Tuesday, August, 16, 2016
	4. Public Comment:	<p>Welcome to our Planning Commission meeting. The Commission invites the public to address the Commission on issues not listed on the agenda and that are within the Commission’s subject matter jurisdiction. Those wishing to address the Commission are asked to sign-in and indicate their topic of interest. The public has a right to address the Commission on any subject within the Commission’s jurisdiction; however, the Commission may limit public comment on matters that are outside of its jurisdiction. The Planning Commission may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Commission may place additional time limits on comments, to ensure members of the public have opportunity to speak and the Commission is able to complete its work. A group may be asked to choose a spokesperson to address the Commission on a subject matter, or the Commission may limit the number of persons addressing the Commission whenever a group of persons wishes to address the Commission on the same subject matter. Speakers are asked to provide their name and address for the public record. We greatly appreciate your active participation.</p>
	5. Consent Agenda	<p>Consent Agenda items are matters requiring a Planning Commission review but which, following an initial evaluation by staff, have been found to be consistent with existing City regulations and the City General Plan and are, therefore, recommended for “routine” approval. If it is determined by the Commission that a Consent Agenda item requires further discussion and review, it will be removed to the regular agenda for consideration. The remaining items will be handled as a group by a single action of the Commission.</p>

Page 6	<p>6. 2016.02: Rezoning Application for 403 Orem St, APN #057-382-020 <u>Background:</u> The Applicant, Carol Coho, has approached the City Planning Department to rezone the parcel at 403 Orem Street from an R-1 “Low Density Residential” to an R-1-U “Low Density Residential Urban” zone.</p> <p><u>Commission Action:</u> Approve resolution recommending municipal code amendment to The City Council of the City of Mt. Shasta Chapter 18.96.</p>
Page 13	<p>7. 2016.07 Amendment of Municipal Code Chapter 18.96 “Medical Marijuana Dispensaries” <u>Background:</u> In anticipation of changes in California state regulations concerning marijuana dispensaries it is recommended to amend the current marijuana ordinance to manage changes without burdening businesses.</p> <p><u>Commission Action:</u> Approve resolution recommending Chapter 18.96 amendments to The City of Mt. Shasta City Council.</p>
Page 39	<p>8. 2016.16 Open Discussion: Smoking Limitations in City Limits <u>Background:</u> A petition signed by Mt. Shasta residents was received in April 2016. The petition calls for the creation of smoking limitations in the City Limits. The petition calls for the creation of a Municipal Ordinance limiting smoking in City Limits.</p> <p><u>Commission Action:</u> Recommend direction to City Staff on smoking limitation options</p>
	<p>9. Commission and Staff Comments</p> <ul style="list-style-type: none"> A. Recycling Program Update B. Animal Hospital Concerns C. Vacant and Nuisance Housing Report
	<p>10. Future Agenda Items – Future items are topics brought to the Planning Commission from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.</p> <ul style="list-style-type: none"> a. Sign Ordinance – 10/18/2016 b. Lighting Ordinance – 11/15/2016 c. Broadband Plan – 12/20/2016 d. Orchard Annexation – 12/20/2016 e. Off-Street Parking Requirements – 1/17/2016 f. General Plan Progress Report – 1/17/2016
	<p>11. Adjourn – Next meeting scheduled for Tuesday, October 18, 2016, at 6:00pm</p> <p>Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body.</p> <p>The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to</p>

Any writings or documents provided to a majority of the Planning Commission after distribution of the meeting Agenda Packet regarding any open session item on this agenda will be made available for public inspection during normal business hours within the binder entitled "Agenda Packet for Front Counter" located at City Hall at the desk on the right-hand side inside the front door.

Projects heard at this Planning Commission meeting may be subject to appeal. Please contact the Planning Department for information. Appeals must be submitted to the City Clerk's office together with the appeal fee. If you challenge the environmental review of the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department on, or prior to, closing of the public comment period.

Mt. Shasta City Council Regular Planning Commission Meeting **DRAFT Minutes**

Mt. Shasta Community Center, 629 Alder Street
Tuesday, August 16, 2016; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

STANDING AGENDA ITEMS

- 1. Call to Order and Flag Salute:** At the hour of 6:00 p.m. Chair [Higuera](#) called the meeting to order and led the audience in the Pledge of Allegiance.
- 2. Roll Call:**
Commissioners Present: Commissioner Beck, Findling, Clure, Wagner, and Chair Higuera
Commissioners Excused: Commissioner Acord
Commissioners Absent: Commissioner Pardee
- 3. Approval of Minutes:** [Tuesday, July 19, 2016 Planning Commission General Meeting Minutes](#)
Moved to Approve – 1st Commissioner Wagner, 2nd – Commissioner Clure
AYE: Commissioners Beck, Clure, Wagner, and Chair Higuera
NO:
ABSTAIN: Commissioner Findling
- 4. Special Presentation:**
 - a. Alternative Energy in Mt. Shasta**
City Staff: Presentation on current alternative energy trends in the State of California and the current goals of the City of Mt. Shasta
- 5. Public Comment:**
Robert Kehr: Concern over the Animal Hospital fencing, dumpster orientation, and driveway conditions.
- 6. Consent Agenda:** N/A
- 7. Amendment of Municipal Code Chapter 18.96 “Medical Marijuana Dispensaries”**
City Staff: Presentation of amendments to the Chapter 18.96 and the staff recommendations in Planning Agenda Packet Tuesday, August 16, 2016
Commissioner Wagner: Discussion on buffer distances and business ability to apply for a dispensary permit
Commissioner Findling: Discussion on the meaning “Public facility” and amending wording to Public zoning
Commissioner Beck: Discussion on on-site cultivation in relation to the ability for dispensaries to do business. Also, discussion on removing the patient records requirement since the County does not offer a registration program.
City Staff: Discussion on City’s ability to enter dispensaries and audit financial records and sales
Commissioner Findling: Discussion on types of information that can be requested.
Commissioner Wagner: Discussion on ‘grandfathering’ process and existing permit locations.
Chair Higuera: Discussion on buffer distances favoring 250 foot buffer.
Commissioner Clure: Discussion on buffers at one uniform buffer.
Planning Commission: General consensus to create a buffer requirement of 250 buffer from all schools and parcels zoned “Public” under the City of Mt. Shasta Municipal Code.
Gina: In favor for 500 foot buffer, but agrees that a buffer too large would not be good for business

locations. Supports opening up more parcels for dispensary locations.

Action Taken: Consensus approval the first reading of the amendments to ordinance 18.96

8. Open Discussion: Alternative Energy Options for Mt. Shasta

City Staff: Discussion of Alternative Energy options

Commissioner Wagner: Discussion of current city and state incentives to finance alternative energy

Commissioner Findling: Discussion on how energy and affordable housing intersect. The City should be a source of promoting the energy initiatives.

Chair Higuera: Discussion on recycling program under the Energy section of the General Plan.

Action Taken: Recommend in the short-term to support marketing current programs, and in the long-term create an Energy Element for The City of Mt. Shasta General Plan.

AYE: Commissioner Clure, Commissioner Findling, Commissioner Wagner, and Chair Higuera

NO

ABSENT: Commissioner Acord and Commissioner Beck

City Staff will update on Recycling Programs at next meeting.

9. Commission and Staff Comments:

City Staff: Update on Noise Element Work Program

Commissioner Wagner: Discussion on trash in the creek near Rite Aid

Commissioner Findling: Discussion on Used Car Sales

10. Future Agenda Items – Future items are topics brought to the Planning Commission

from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.

a. Rezoning Application – 9/20/2016

b. ~~Noise Ordinance – 10/18/2016~~ Continue at a later date after Noise Element Update

c. Smoking Limitations – ~~11/22/2016~~ 10/18/2016

d. Sign Ordinance – ~~11/22/2016~~ 10/18/2016

e. Lighting Ordinance – 12/20/2016

f. Broadband Plan – 12/20/2016

11. Adjourn: There being no further business, the meeting was adjourned at 7:18 p.m.

Respectfully Submitted by: Juliana Lucchesi, City Planner

Planning Department Staff Report

Tuesday, September 20, 2016

Project Number: 2016.02
Project Title: Coho Property R-1-U Rezoning
Applicant: Carol Coho
403 Orem Street
APN#: 057-382-020
Type of Project: Property Rezoning
Prepared by: Juliana Lucchesi, City Planner

Project Description:

The Applicant has contacted the Planning Department to file for a rezoning from their original zoning designation of R-1 “Low Density Residential” to R-1-U “Low Density Residential Urban”. The R-1-U is similar to the R-1 designation with the exception of lot widths. The R-1-U offers the property owner the ability to have a smaller lot than traditional R-1 lots.

The Applicant lot is located along the corner of Orem Street and North C Street. The lot, shown in Attachment 1, is currently one lot with two existing structures. A single family home and a garage are on the east side of the property. The single family structure is located on the east property line adjacent to the alleyway. The alleyway is still in use by the City of Mt. Shasta.

General Plan Connection:

Land Use Element

The Land Use Element of the General Plan states that the property exists in Low Density Residential area. The Low Density Designation indicates that the density of these neighborhoods should be no more than 8 units per acre or 24 persons per area. The change in zoning designation would be within the preferred low density residential parameters.

Environmental Review:

The rezoning of the parcel from R-1 to R-1-U is considered exempt from the California Environmental Quality Act (CEQA) process. The change in zoning designation is considered a Class 32: Infill Development exemption under section 15332. The proposed change in zoning could allow for the creation of one additional lot on the corner of Orem and North B Street. The addition of one low density residential urban lot would not result in a change in traffic, noise, air quality, or water quality.

Staff Recommendations:

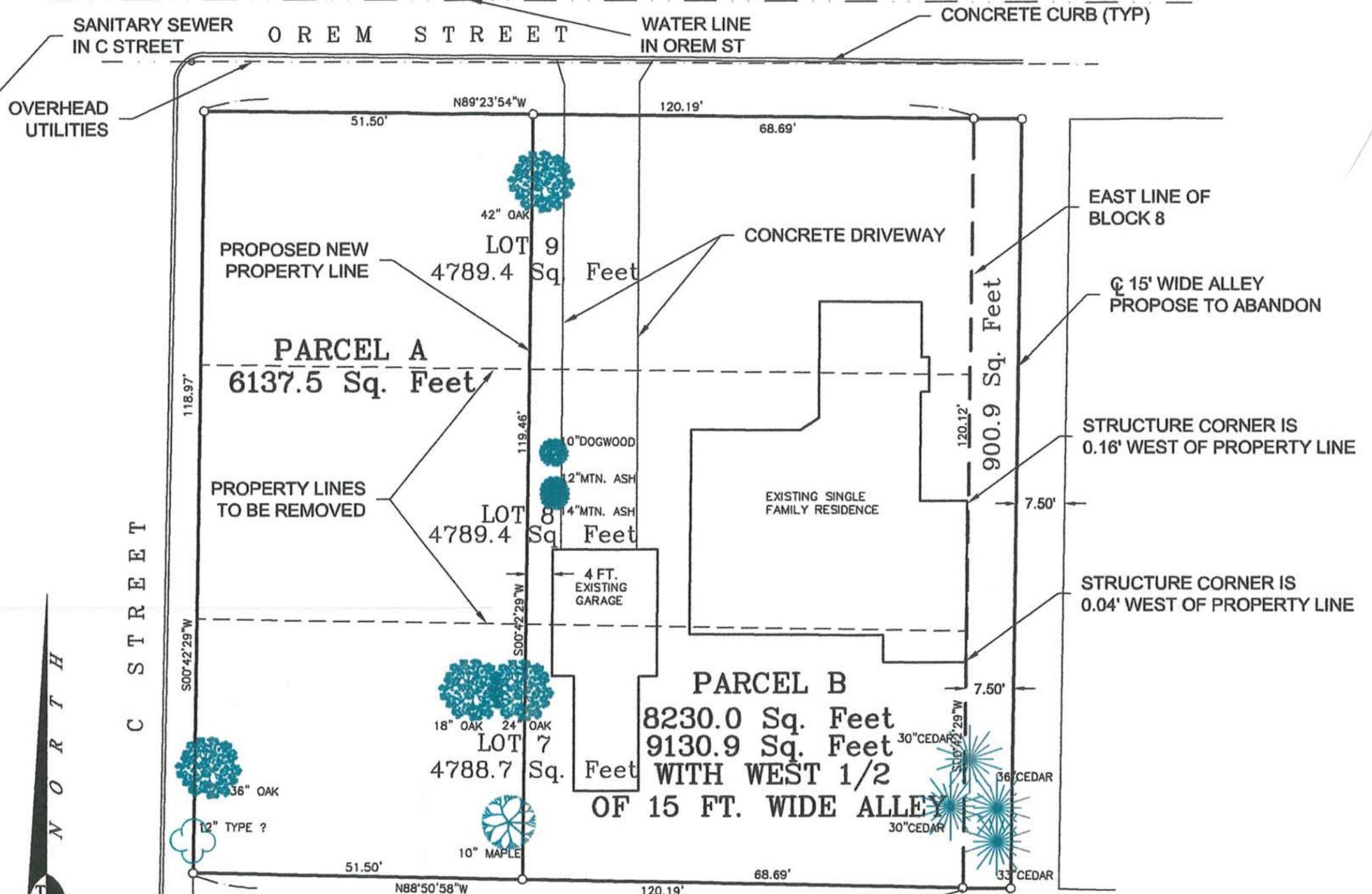
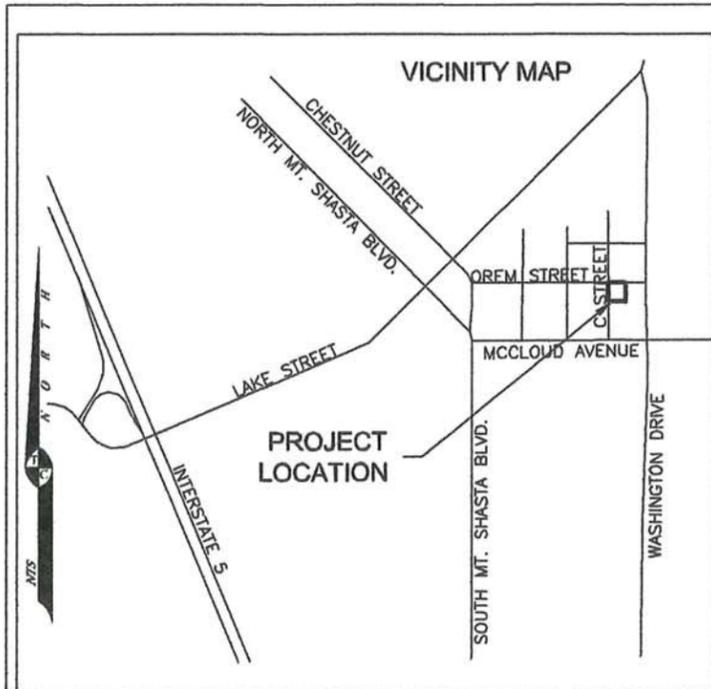
The rezoning process for the R-1-U designation contains the following criteria:

1. The site is designated for low density residential and zoned R-1.
 - *The Applicant property is currently zoned R-1*
2. The proposed lot is surrounded by lots of similar size or smaller or set in a residential street or block with similar sized or smaller lots.
 - *Attachment 2 indicates the neighborhood parcel sizes. The Applicant's property is indicated in white and red. The surrounding parcels are a mixture of smaller and similar sized parcels.*
3. The project must gain access from a public street, alley, or approved private roadway. If there is access to a developed alley, use of the alley for access is encouraged to achieve compatibility.
 - *The parcel is a corner lot. If the Applicant were to separate the parcel into two, both parcels would have city street access or alleyway access.*
4. Public services such as water, wastewater, and drainage facilities are available.
 - *City utilities are available in both North C Street and Orem Street.*
5. The site to be rezoned R-1-U will be developed in a manner which provides for compatible development in terms of building orientations, and street designs, in relation to the existing neighborhood.
 - *The change to R-1-U would allow the Applicant to create a new parcel. The existing and new parcel would be oriented similarly to the surrounding uses.*

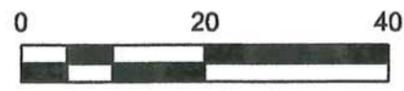
City Staff recommends that the Planning Commission review the R-1-U rezoning criteria and the Applicant materials to approve or deny the rezoning request. The City Staff also recommends that the Planning Commission approve the Notice of Exemption for the rezoning project under the Class 32: Infill Categorical exemption.

Attachments:

- 1. Site Map for 057-382-020**
- 2. Neighborhood Parcel Map**
- 3. Parcel Photographs**
- 4. Notice of Exemption**



NOTES:
 EXISTING ZONING: R-1
 PROPOSED ZONING: R-1-U

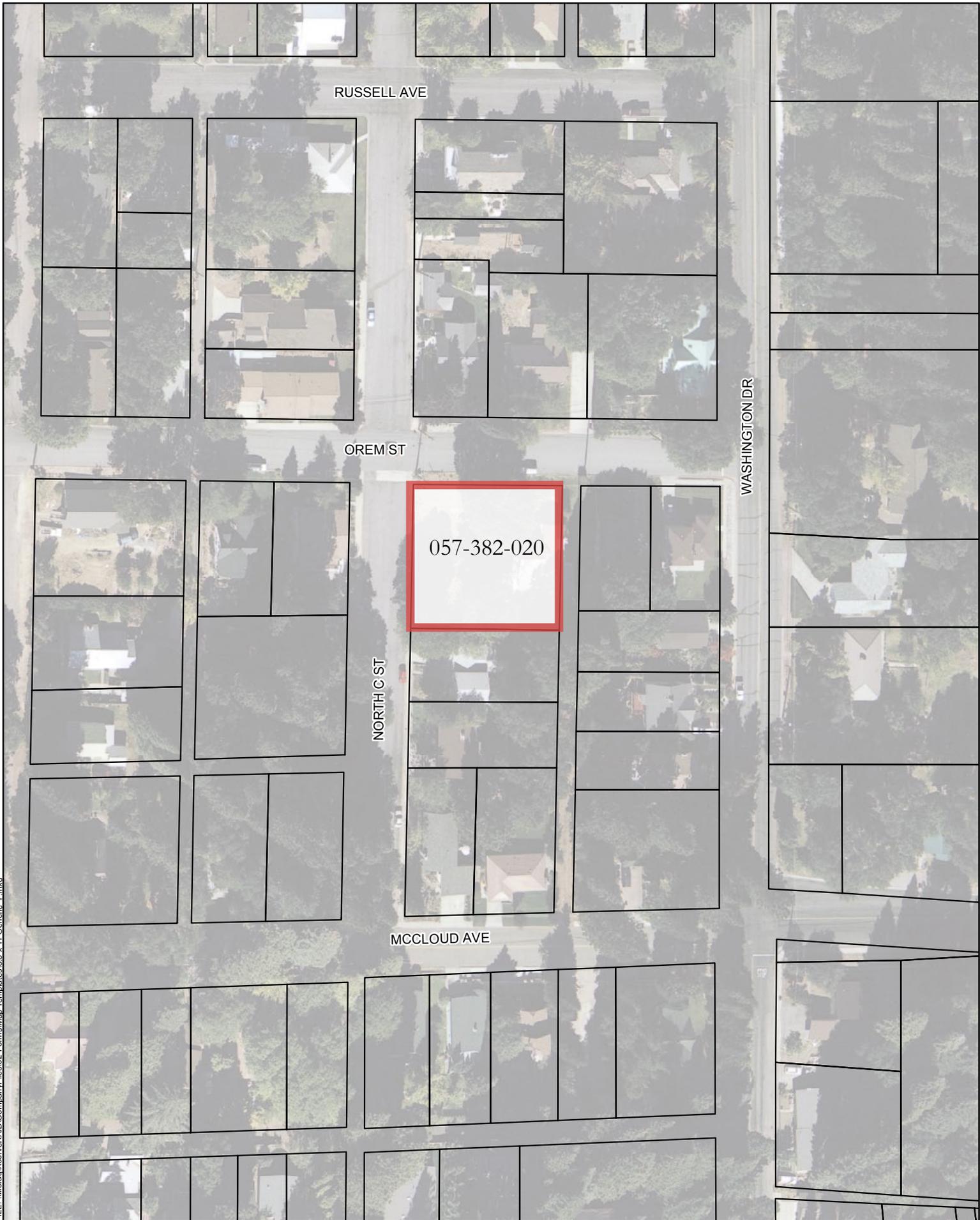


SCALE: 1"=20'

ZONE CHANGE AND BLA

FOR: BENDA LEE ETAL
 APN 057-382-010
 LOTS 7, 8 & 9 BLOCK 8
 OF REAMS ADDITION TO THE
 CITY OF MOUNT SHASTA
 SISKIYOU COUNTY, CALIFORNIA

TERRY D. CURRY, PLS 8249
 P.O. BOX 151
 MONTAGUE, CALIFORNIA 96064 (530)842-9900
 JULY, 2016 SHEET 1 OF 1
 JN 16-38



RUSSELL AVE

OREM ST

NORTH C ST

MC CLOUD AVE

WASHINGTON DR

057-382-020

FILE: \\fileran\server\RAD\CompanyFiles\02-Forms\Map Templates\9.5 x 11 Generic .Pmxd

Feature and boundary locations depicted are approximate only.



Feet

Planning Commission Regular Meeting Tuesday, September 20, 2011

Mount Shasta



ZONE CHANGE & BLA PHOTOS



View South from Orem St. towards house.



View South from Orem St. across West portion of property.



View NW across vacant portion of property toward Orem & C



View South along West side of alley.



View West along Orem St.



View SW from Orem St. toward house & garage,

Notice of Exemption

Appendix E

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044
 County Clerk
 County of: Siskiyou
806 South Main St.
Yreka, CA 96067

From: (Public Agency): City of Mt. Shasta
305 N. Mt. Shasta Blvd
Mt. Shasta, CA 96067
 (Address)

Project Title: Coho Property R-1-U Rezoning

Project Applicant: Carol Coho

Project Location - Specific:
 403 Orem Street, Mt. Shasta, CA 96067 (APN 057-382-020)

Project Location - City: Mt. Shasta Project Location - County: Siskiyou County

Description of Nature, Purpose and Beneficiaries of Project:

The Applicant has filed a complete application to change the zoning designation for her residential property at 403 Orem Street from R-1 "Low Density Residential" to R-1-U "Low Density Residential Urban". The R-1-U designation allows for single-family dwellings on smaller lots to encourage infill within the city limits.

Name of Public Agency Approving Project: City of Mt. Shasta

Name of Person or Agency Carrying Out Project: City of Mt. Shasta

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Class 32: Infill Development (Sect. 15332)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The R-1-U zoning designation was specifically created with the thought of urban infill in mind. The change in zoning designation would allow for the property owner to create an additional residential lot in the future. The possibility of a new parcel would not result in increased traffic, noise, air quality, and water quality.

Lead Agency
 Contact Person: Juliana Lucchesi Area Code/Telephone/Extension: 530/926-7510

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: City Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Planning Department Staff Report

September 20, 2016

Project Number: 2016.07
Project Title: Cannabis Dispensary Ordinance Amendments
Type of Project: Ordinance Amendment
Prepared by: Juliana Lucchesi, City Planner

Background:

The City of Mt. Shasta currently employs a single ordinance (18.96) to regulate medical marijuana dispensaries. The ordinance is concerned with meeting the needs of those who are protected by California Proposition 215. As the regulatory environment centered on marijuana changes, the ordinance could quickly become inefficient and ineffective.

The original Medical Marijuana Dispensary ordinance (Chapter 18.96 Medical Marijuana Dispensaries) was created to regulate marijuana businesses that were created in response to resident needs under California Proposition 215. Since the creation, business expansion and relocation has caused the Planning Department to adopt practices not found in the current ordinance. The practices used have been prescribed to maintain the businesses without adding undue economic hardship. The practices consist of a re- submission of a building plan, security plan, and security review by the Mt. Shasta Police Department for changes in the physical footprint of the dispensary.

Another development that has occurred since the original draft of the original ordinance is a petition submitted to the City of Mt. Shasta by downtown business owners. The petition requests that marijuana dispensaries are prohibited in the downtown area. The downtown area defined for this discussion is commercial zoning (C-1 and C-2) between Hinckley Street and McCloud Avenue. The major concern of the businesses is the odor and image of the downtown area.

The possible changes at the state level and the previously discussed changes in city policies and attitudes has created the need to review the current ordinance and recommend amendments to deal with future change.

General Plan Connection:

The Cannabis Dispensary ordinance changes do not result in any changes to current land use practices and zoning designations. Cannabis dispensaries will continue to be allowed in Downtown Commercial (C-1) and General Commercial (C-2) zoned parcels between Mountain View Drive and Hinckley Avenue (Attachments 2).

The General Plan defines the purpose of Commercial Center zoning as "... for development with businesses that generally require customer traffic in order for the business to be successful." (City of Mt. Shasta General Plan, pg. 3-7). Based on this definition, the current zoning for cannabis dispensaries is appropriate.

Social Impacts:

Cannabis and cannabis products provide benefits and concerns in terms of public health. Cannabis for medical purposes has become more widely used to assist patients with pain management, appetite, and other medical issues. Recreational cannabis, although not legal in the state of California at this time, has become a public health concern in terms of cannabis consumption by persons under 18 years of age. Best practices in cannabis regulation recommend prohibiting cannabis dispensaries and related businesses within a certain distance of areas where minors would be present. Maps have been created with the current allowable locations and various buffer distances to illustrate possible distances from minor sensitive land uses (Attachments 2).

Economic Impact:

The changes to the cannabis dispensary ordinance could result in more opportunity for cannabis dispensaries. The state of California proposition 64 is on the ballot for November 2016, which could legalize the selling of recreational cannabis. The current dispensary ordinance is specific to medical cannabis only. By amending the ordinance to cover general cannabis and cannabis products, this would allow dispensaries to offer a wider range of products to a larger consumer market if state regulations change. The ordinance states that all California regulations must be met by dispensaries to operate within the city, which would permit new cannabis regulations to take effect in the City of Mt. Shasta without additional planning efforts on the city's part.

Amendments to the cannabis dispensary ordinance do not currently include changes in the fees associated with the permitting process. The current dispensary permit price is a one-time fee of \$400.00. That price is determined by the number of staff hours spent on reviewing the permit application process; this does not include annual security check hours spent. The City may recommend to implement annual fees or taxes on cannabis products and dispensaries to account for possible increases in traffic to the city related to the business and additional enforcement. Annual fees are typical of other small city dispensary ordinances.

Environmental Review:

The amendments to Chapter 18.96 are considered exempt from the California Environmental Quality Act (CEQA) process. The amendments do not change the current land use categories or alter their definitions and allowable uses. Dispensaries are considered similar uses to pharmacies, clinical space, and retail. Major changes to the ordinance are concerned with administrative process which has no direct or indirect impact on the environment.

Projects are defined as an activity which may cause wither a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. It is determined that the amendments recommended do not result in a direct impact on the environment or increase indirect impacts. The amendments are not considered a project under the CEQA process; therefore, does not need to be assessed.

Staff Recommendations:

Staff recommends that Planning Commission approves the recommendation of amending Chapter 18.96 “Cannabis Dispensaries” as attached to the City Council of the City of Mt. Shasta for consideration.

The Planning Department recommends that the Planning Commission approve the recommendation of amending Chapter 18.96 of the Mount Shasta Municipal Code as per Attachment I. The changes to Chapter 18.96 have been made over the past three months and included to public hearings. The changes allow for Cannabis Dispensaries the ability to continue dispensing medical cannabis and cannabis products while facilitating changes to state cannabis legislation. The changes do not result in more available permits, additional growing or product types, or the smoking of cannabis products onsite.

The specific changes to the ordinance center on allowable locations, requirements of dispensaries, and shift in ordinance language and terms. The previous ordinance named specific schools that dispensaries could not be within 1000 feet of, which was change to the general term “school” to provide equal protection to schools that were not listed; charter schools, private schools, etc. The buffer around sensitive areas was also decreased to 250 feet to allow dispensaries the opportunity to find locations.

The requirements for dispensaries to maintain were reduced due to the lack of County programming and to address issues that arose with the permitting process. A major change to the requirements is that youth under the age of 18 years old will be allowed to fill a medical cannabis prescription with a legal guardian present. Previously, any youth under the age of 18 years old was not allowed inside the dispensary, which made it difficult for patients to received proper care. It was found that the patient should be present inside the dispensary to receive any prescription instructions with the legal guardian to ensure proper dosage and use.

The second change in requirements is the removal of onsite patient records and identification cards. Siskiyou County at the beginning of the medical cannabis trend was going to offer an identification card registration program. The program would allow dispensaries to keep identification records onsite for patients to ensure that the patient is the one receiving the prescription. The County was unable to create a program; therefore, the requirement is not attainable.

The third change to dispensary requirements and permitting is an annual security check. Best practices in other jurisdictions rely on annual security checks to ensure dispensary compliance with security requirements. The dispensaries are required to submit security plans when applying for the permit to dispense cannabis, but there is no follow-up once the permit is granted. The security checks would be administered by the Mt. Shasta Police Department.

The final change to the dispensary ordinance permitting process is the addition of a building plan resubmission if the dispensary alters their space. The existing dispensaries have expanded their floor area to address changes in business. The addition of a building plan resubmission process allows the City to stay up-to-date on the security and dispensary floor plan.

Staff recommends accepting the recommendation that the changes to MSMC Chapter 18.96 is not considered a “project” under the California Environmental Quality Act (CEQA).

The CEQA process begins when the lead agency, in this case the City of Mt. Shasta, determines an action is a “projects”. Projects are defined as an activity which may cause wither a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. It is determined that the amendments recommended do not result in a direct impact on the environment or increase indirect impacts.

The changes listed in this recommendation are concerned with administrative process and zoning definitions. The allowable locations for the dispensaries has not increased to other zones or areas of the city. Therefore, the amendments to Chapter 18.96 of the MSMCS is not considered a project under CEQA.

Attachments:

- 1. Recommended Amendments to Mount Shasta Municipal Code Chapter 18.96 “Cannabis Dispensaries”**
- 2. Available Dispensary Locations Map**
- 3. Original Mount Shasta Municipal Code Chapter 18.96 “Medical Marijuana Dispensaries”**
- 4. Tracked Changes to Mount Shasta Municipal Code Chapter 18.96 “Medical Marijuana Dispensaries”**

Chapter 18.96
MEDICAL MARIJUANA DISPENSARIES

Sections:

- [18.96.010](#) Purpose.
- [18.96.020](#) Definitions.
- [18.96.030](#) Location.
- [18.96.040](#) Number of dispensaries.
- [18.96.050](#) Medical marijuana dispensary administrative permit process.
- [18.96.060](#) Findings for issuance of a medical marijuana dispensary permit.
- [18.96.070](#) Conditions of operation.
- [18.96.080](#) Fees.
- [18.96.090](#) Violations.
- [18.96.100](#) Suspension and revocation – Appeal.
- [18.96.110](#) Existing dispensaries.
- [18.96.120](#) Severability.

18.96.010 Purpose.

The purpose of this chapter is to protect the public safety, health and welfare of the residents of Mt. Shasta by regulating the operation of medical marijuana dispensaries within City limits, to restrict the location of medical marijuana dispensaries to specific portions of commercial zones (C-1 and C-2), and to require dispensary operators to obtain an administrative permit prior to commencing operation. (Ord. CCO-10-04, 2010)

18.96.020 Definitions.

(A) Medical Marijuana Dispensary. A “medical marijuana dispensary” is a facility where marijuana is made available for medical purposes in accordance with Cal. Health and Safety Code § [11362.5](#) et seq. (Compassionate Use Act).

(B) Administrative Review Committee. The “Administrative Review Committee” is the committee that reviews dispensary permit applications submitted under this chapter, and consists of the Planning Director, Police Chief, and City Manager. (Ord. CCO-10-04, 2010)

18.96.030 Location.

(A) Medical marijuana dispensaries shall be permitted only in those portions of the C-1 and C-2 district located between Mountain View Drive and Hinckley Avenue.

(B) No medical marijuana dispensary shall be located within 1,000 feet of Mt. Shasta Elementary School, Sission Middle School, Mt. Shasta High School, or Jefferson High School.

(1) Distance shall be measured from the property line of the parcel containing the dispensary to the property line of the school, using the most direct vehicle or pedestrian route, whichever is shorter. (Ord. CCO-10-04, 2010)

18.96.040 Number of dispensaries.

No more than three medical marijuana dispensaries shall be permitted to operate within the City of Mt. Shasta at any one time. (Ord. CCO-10-04, 2010)

18.96.050 Medical marijuana dispensary administrative permit process.

(A) Prior to initiating operations, any person or entity wishing to operate a medical marijuana dispensary shall apply for and receive from the Planning Department a medical marijuana dispensary permit.

(B) The applicant for a medical marijuana dispensary permit shall submit to the Planning Department a permit application containing the information specified in subsection (C) of this section. Upon receipt of the application, the Planning Director shall review the application for completeness.

Applications that are deemed incomplete by the Planning Department shall be returned to the applicant within 15 days of receipt.

(C) An applicant for a dispensary permit shall provide the following information:

- (1) The full name, current residence address, and phone number of the applicant;
- (2) The address to which notice of action on the application is to be mailed;
- (3) Written proof that the applicant is over 18 years of age;
- (4) A map or diagram, to scale, demonstrating that the location is not within 1,000 feet of the named locations in MSMC [18.96.030](#);
- (5) Authorization for the City, its agents and employees to seek verification of the information contained within the application;
- (6) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true, and that the applicant has read the California Attorney General's Guidelines and will comply with those guidelines;
- (7) Any information or evidence substantiating the required findings of fact for approval of the administrative permit;
- (8) Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;
- (9) Security Plans. A dispensary shall submit a plan demonstrating adequate security on the premises, as approved by the Chief of Police and reviewed by the Administrative Review Committee, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. Security plans submitted must include plans for a professionally monitored robbery and burglary alarm system and a plan for adequate maintenance of the installed system so as to ensure it is maintained and in working condition;
- (10) Each applicant shall conspicuously post notice or notices on the premises stating that there has been an application for a medical marijuana dispensary submitted to the City of Mt. Shasta at that particular site for at least four weeks prior to the Administrative Review Committee receiving the application, and that application files are available for review at City of Mt. Shasta, 305 North Mt. Shasta Boulevard, Mt. Shasta, California.

(D) Once an application is deemed complete, the Planning Director shall distribute the application materials to the Administrative Review Committee for review and decision. The Administrative Review Committee shall have 30 days to approve or deny the permit application. Application determinations shall be based on the findings of fact required by this chapter. Dispensary operators must also comply with the additional conditions of operations that are required by this chapter and will be contained in the permit.

(E) Once the Administrative Review Committee has made its decision on the application, the Planning Director shall mail a written notice of decision to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Administrative Review Committee's decision may appeal the decision to the City Council by filing a written notice with the City Clerk within 10 business days of receipt of the Planning Director's notice of decision. If an appeal is not taken within that time period, the decision shall be final.

(F) If a request for an appeal to the City Council is received within the applicable time period, the appeal shall be scheduled by the City Clerk for a public hearing within 45 days of receipt of the request. Public notice of the hearing shall be given pursuant to Cal. Gov't Code § [65091](#). (Ord. CCO-10-04, 2010)

18.96.060 Findings for issuance of a medical marijuana dispensary permit.

A permit to operate a medical marijuana dispensary shall be granted only if the Administrative Review Committee makes all the following findings of fact:

(A) The medical marijuana dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and

(B) The medical marijuana dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and

(C) The medical marijuana dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (Ord. CCO-10-04, 2010)

18.96.070 Conditions of operation.

A medical marijuana dispensary, once permitted by the City, shall meet the following conditions for the duration of its operation:

(A) The use shall be conducted in strict compliance with the provisions of the Compassionate Use Act (Cal. Health and Safety Code § [11362.5](#) et seq.).

(B) Consumption of any medical marijuana or medical marijuana product (including smoking) or ingestion is prohibited in, on, or adjacent to the permitted premises.

(C) All employees of the dispensary must be 18 years of age or older.

(D) No persons under the age of 18 shall be permitted in the dispensary at any time. The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.

(E) On-site cultivation of mature medical marijuana is not permitted at any dispensary location, with the exception of small immature cuttings, starts, or clones.

(F) No retail sales of any products other than medical marijuana or medical marijuana related products are permitted at the dispensary.

(G) The property owner and/or operator shall be required to report any illegal activity occurring on the site, or associated with the dispensary, to the Mt. Shasta Police Department.

(H) Sale of food products containing medical marijuana is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.

(I) The medical marijuana dispensary shall be open for business only between the hours of 9:00 a.m. and 8:00 p.m. Sunday through Saturday.

(J) All medical marijuana transactions shall occur at the dispensary, and medical marijuana products shall be dispensed directly to the patient or designated caregiver. No owner, operator, employee, or volunteer may provide any product to any patient or designated caregiver at any location other than inside the dispensary building. No delivery services shall be permitted within the City limits.

(K) The permittee shall assume all legal responsibility and liability associated with the operation of the dispensary.

(L) A representative of the City has the right to enter the premises to audit the medical marijuana dispensary financial records, after notice to the owner or operator of not less than five business days. Financial records include, but are not limited to, income statements and balance sheets. Other information to be provided on request may include but not be limited to total pounds grown, total pounds purchased (identification card number or membership number as defined below), total pounds sold, and existing inventory.

(M) Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the County, or its agent, pursuant to Cal. Health and Safety Code § [11362.71](#) et seq., as a protection of the confidentiality of the cardholders. All patient and doctor confidentiality shall be upheld and preserved.

(N) All signage shall be in accordance with the City of Mt. Shasta sign ordinance.

(O) A dispensary shall maintain a general City of Mt. Shasta business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

(P) Each dispensary shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

- (1) Days and hours of operation.
- (2) Emergency contact information.
- (3) Notice that persons under the age of 18 are not allowed in the dispensary.
- (4) Notice that all illegal activity shall be reported to law enforcement authorities.

(Q) Each dispensary shall post on site a notice that smoking or other methods of consumption of medical marijuana is prohibited in, on, or in the vicinity of the dispensary.

(R) Each medical marijuana dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the business. (Ord. CCO-10-04, 2010)

18.96.080 Fees.

The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of, a permit to operate a medical marijuana dispensary. The amount of the fee shall be commensurate with the City's cost to administer and implement the provisions of this chapter. (Ord. CCO-10-04, 2010)

18.96.090 Violations.

Violations of the terms and conditions of the dispensary permit, of this code, or of applicable local and State laws and regulations shall be grounds for suspension or revocation of the permit by the City Manager, and subject to the appeal rights set forth in MSMC [18.96.100](#). (Ord. CCO-10-04, 2010)

18.96.100 Suspension and revocation – Appeal.

Any permittee aggrieved by the decision of the City Manager to suspend or revoke a permit may, within 10 calendar days of the issuance of the decision, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within the 10-day period, the decision of the City shall be final. If an appeal is filed in a timely manner, the Council shall, within 45 days of the filing of the appeal, hold an appeal hearing. The Council may uphold the suspension or revocation of the permit if it finds that the permittee is in violation of the terms and conditions of the permit or other applicable law or regulation. The Council's decision shall be final. (Ord. CCO-10-04, 2010)

18.96.110 Existing dispensaries.

Dispensaries licensed to do business in the City of Mt. Shasta prior to the enactment of the ordinance codified in this chapter shall have 180 days from its final adoption to apply for and receive a medical marijuana dispensary permit pursuant to this chapter in order to remain in operation. (Ord. CCO-10-04, 2010)

18.96.120 Severability.

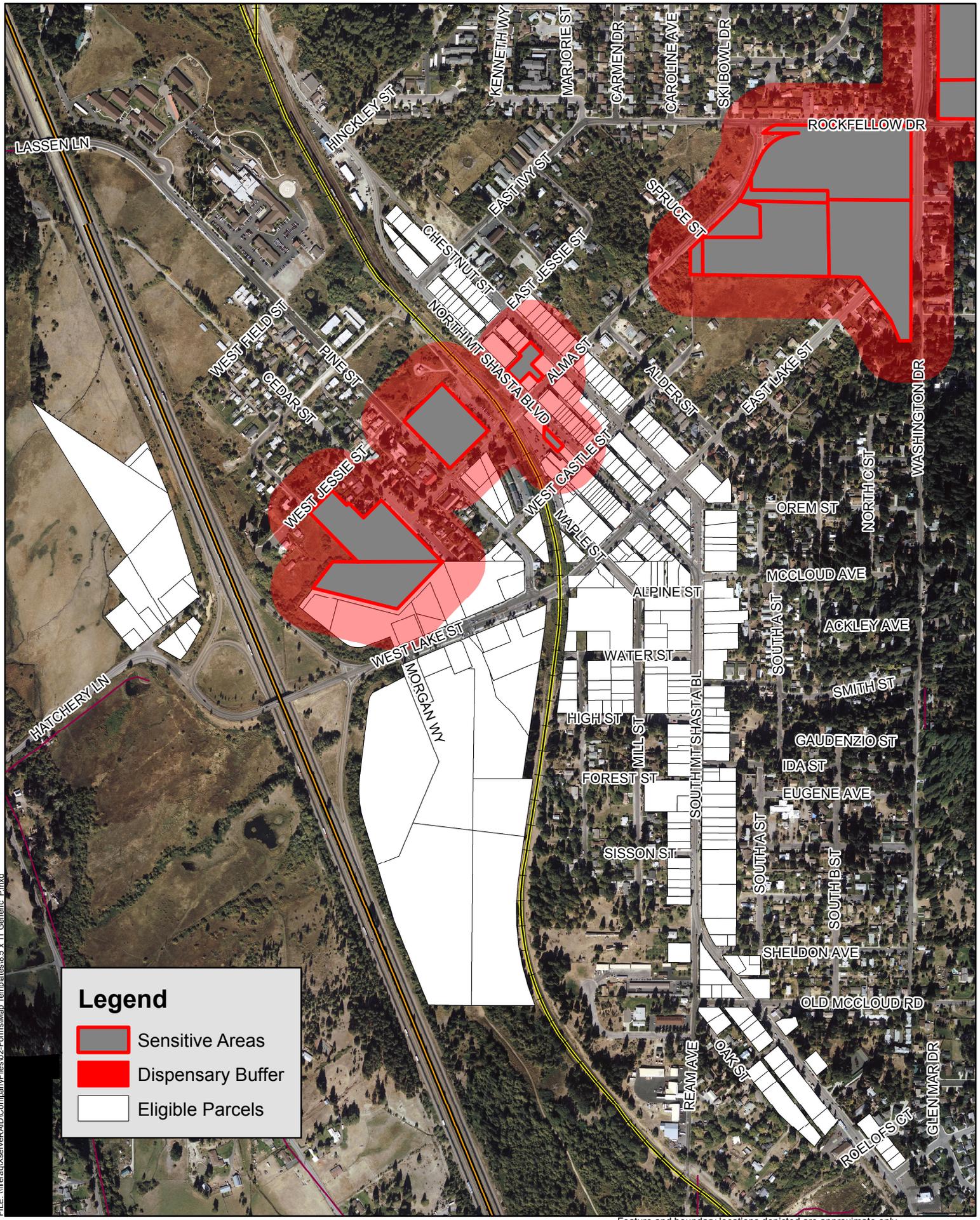
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter; and the City Council of the City of Mt. Shasta hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that

any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Provided further, that if any provision of this chapter or its application to any person or circumstance is held invalid, said chapter or the application of said provisions to other persons or circumstances shall not be affected thereby. (Ord. CCO-10-04, 2010)

The Mt. Shasta Municipal Code is current through Ordinance CCO-16-01, passed February 22, 2016.

Disclaimer: The City Clerk's Office has the official version of the Mt. Shasta Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Legend

- Sensitive Areas
- Dispensary Buffer
- Eligible Parcels

Feature and boundary locations depicted are approximate only.



0 0.05 0.1 0.2 Miles



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Chapter 18.96

CANNABIS DISPENSARIES

Sections:

- 18.96.010 Purpose.
- 18.96.020 Definitions.
- 18.96.030 Location.
- 18.96.040 Number of dispensaries.
- 18.96.050 Cannabis dispensary administrative permit process.
- 18.96.060 Findings for issuance of a Cannabis dispensary permit.
- 18.96.070 Conditions of operation.
- 18.96.080 Fees.
- 18.96.090 Violations.
- 18.96.100 Suspension and revocation – Appeal.
- 18.96.110 Existing dispensaries.
- 18.96.120 Annual Security Check
- 18.96.130 Expansion of Dispensary Space
- 18.96.140 Severability.

18.96.010 Purpose.

The purpose of this chapter is to protect the public safety, health, and welfare of the residents of Mt. Shasta by regulating the operation of Cannabis dispensaries within City limits, to restrict the location of Cannabis dispensaries to specific portions of commercial zones (C1 and C2), and to require dispensary operators to obtain an administrative permit prior to commencing operation. (Ord. CCO1004, 2010)

18.96.020 Definitions.

(A) Cannabis. The plant, or parts of plants, derived from the Cannabis family *Cannabaceae*. Can be referred to as Marijuana, Marijuana related product, Cannabis, or Cannabis related product. Does not include Hemp.

(B) Cannabis Dispensary. A “cannabis dispensary” is a facility where recreational or medical cannabis can be made available.

(C) Administrative Review Committee. The “Administrative Review Committee” is the committee that reviews dispensary permit applications submitted under this chapter, and consists of the Planning Department, Police Chief, and City Manager. (Ord. CCO1004,2010)

18.96.030 Location.

(A) Cannabis dispensaries shall be permitted only in those portions of the C1 and C2 district located between Mountain View Drive and Hinckley Avenue.

(B) No cannabis dispensary shall be located within 250 feet of any school or parcels zoned “Public (P)” as defined in MSMC 18.16.020.

(1) Distance shall be measured from the property line of the parcel containing the dispensary to the property line of the school, using the most direct vehicle or pedestrian route, whichever is shorter. (Ord. CCO1004, 2010)

18.96.040 Number of dispensaries.

The number of cannabis dispensaries shall be limited to one (1) dispensary per 1,000 residents within the city limits, as listed by the most recent United States Census Count. If the population within City limits falls below the per capita threshold then the number of dispensaries will be held at the last noted number. If at that time a dispensary has their license revoked or discontinued, no new licenses shall be granted. (Ord. CCO1004, 2010)

18.96.050 Cannabis dispensary administrative permit process.

(A) Prior to initiating operations, any person or entity wishing to operate a cannabis dispensary shall apply for and receive from the Planning Department a cannabis dispensary permit.

(B) The applicant for a cannabis dispensary permit shall submit to the Planning Department a permit application containing the information specified in subsection (C) of this section. Upon receipt of the application, the Planning Department shall review the application for completeness. Applications that are deemed incomplete by the Planning Department shall be returned to the applicant within 15 days of receipt.

(C) An applicant for a dispensary permit shall provide the following information:

(1) The full name, current residence address, address of proposed cannabis dispensary, and phone number of the applicant;

(2) The address to which notice of action on the application is to be mailed;

(3) Written proof that the applicant is over 18 years of age;

(4) A map or diagram, to scale, demonstrating that the location is not within 1,000 feet of the named locations in MSMC [18.96.030](#);

(5) Authorization for the City, its agents and employees to seek verification of the information contained within the application;

(6) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true, and that the applicant has read the California Attorney General's Guidelines and all California state regulations pertaining to cannabis dispensaries and will comply with those guidelines and regulations;

(7) Any information or evidence substantiating the required findings of fact for approval of the administrative permit;

(8) Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;

(9) Security Plans. A dispensary shall submit a plan demonstrating adequate security on the premises, as approved by the Chief of Police and reviewed by the Administrative Review Committee, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. Security plans submitted must include plans for a professionally monitored robbery and burglary alarm system and a plan for adequate maintenance of the installed system so as to ensure it is maintained and in working condition;

(10) Each applicant shall conspicuously post notice or notices on the premises stating that there has been an application for a cannabis dispensary submitted to the City of Mt. Shasta at that particular site for at least four weeks prior to the Administrative Review Committee receiving the application, and that application files are available for review at City of Mt. Shasta, 305 North Mt. Shasta Boulevard, Mt. Shasta, California.

(D) Once an application is deemed complete, the Planning Department shall distribute the application materials to the Administrative Review Committee for review and decision. Administrative Review Committee shall have 30 days to approve or deny the permit application. Application determinations shall be based on the findings of fact required by this chapter. Dispensary operators must also comply with the additional conditions of operations that are required by this chapter and will be contained in the permit.

(E) Once the Administrative Review Committee has made its decision on the application, the Planning Department shall mail a written notice of decision to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Administrative Review Committee's decision may appeal the decision to the City Council by filing a written notice with the City Clerk within 10 business days of receipt of the Planning Department's notice of decision. If an appeal is not taken within that time period, the decision shall be final.

(F) If a request for an appeal to the City Council is received within the applicable time period, the appeal shall be scheduled by the City Clerk for a public hearing within 45 days of receipt of the request. Public notice of the hearing shall be given pursuant to Cal. Gov't Code § 65091. (Ord. CCO1004, 2010)

18.96.060 Findings for issuance of a cannabis dispensary permit.

A permit to operate a cannabis dispensary shall be granted only if the Administrative Review Committee makes all the following findings of fact:

- (A) The cannabis dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and
- (B) The cannabis dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and
- (C) The cannabis dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (Ord. CCO1004,2010)

18.96.070 Conditions of operation.

A Cannabis dispensary, once permitted by the City, shall meet the following conditions for the duration of its operation:

- (A) The use shall be conducted in strict compliance with the provisions of this ordinance and pertinent California state regulations related to cannabis
- (B) Consumption of any cannabis or cannabis product (including smoking) or ingestion is prohibited within and on the permitted premises.
- (C) All employees of the dispensary must be 18 years of age or older.
- (D) No persons under the age of 18 shall be permitted in the dispensary at any time, unless accompanied by a legal guardian and the persons under 18 hold a valid script under California medical cannabis regulations. The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.
- (E) Onsite cultivation of mature cannabis is not permitted at any dispensary location, with the exception of small immature cuttings, starts, or clones.
- (F) No retail sales of any products other than cannabis or cannabis related products are permitted at the dispensary.
- (G) The property owner and/or operator shall be required to report any illegal activity occurring on the site, or associated with the dispensary, to the Mt. Shasta Police Department.

(H) Sale of food products containing cannabis is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.

(I) The cannabis dispensary shall be open for business only between the hours of 9:00 a.m. and 8:00 p.m. Sunday through Saturday.

(J) All Cannabis transactions shall occur at the dispensary. No delivery services shall be permitted within the City limits.

(K) The permittee shall assume all legal responsibility and liability associated with the operation of the dispensary.

(L) A representative of the City has the right to enter the premises to audit the cannabis dispensary financial records, after notice to the owner or operator of not less than five business days. Financial records include, but are not limited to, income statements and balance sheets. Other information to be provided on request may include but not be limited to total pounds grown, total pounds purchased (identification card number or membership number as defined below), total pounds sold, and existing inventory.

(M) All signage shall be in accordance with the City of Mt. Shasta sign ordinance.

(N) A dispensary shall maintain a general City of Mt. Shasta business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

(O) Each dispensary shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

(1) Days and hours of operation.

(2) Emergency contact information.

(3) Notice that persons under the age of 18 are not allowed in the dispensary without appropriate medical documentation and legal guardian.

(4) Notice that all illegal activity shall be reported to law enforcement authorities.

(P) Each dispensary shall post on site a notice that smoking or other methods of consumption of cannabis is prohibited within or in the vicinity of the dispensary.

(Q) Each cannabis dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the business. (Ord. CCO1004, 2010)

18.96.080 Fees.

The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of, a permit to operate a cannabis dispensary. The amount of the fee shall be

commensurate with the City's cost to administer and implement the provisions of this chapter. (Ord. CCO1004, 2010)

18.96.090 Violations.

Violations of the terms and conditions of the dispensary permit, of this code, or of applicable local and State laws and regulations shall be grounds for suspension or revocation of the permit by the City Manager, and subject to the appeal rights set forth in MSMC [18.96.100](#). (Ord. CCO1004, 2010)

18.96.100 Suspension and revocation – Appeal.

Any permittee aggrieved by the decision of the City Manager to suspend or revoke a permit may, within 10 calendar days of the issuance of the decision, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within the 10 day period, the decision of the City shall be final. If an appeal is filed in a timely manner, the Council shall, within 45 days of the filing of the appeal, hold an appeal hearing. The Council may uphold the suspension or revocation of the permit if it finds that the permittee is in violation of the terms and conditions of the permit or other applicable law or regulation. The Council's decision shall be final. (Ord.CCO1004, 2010)

18.96.110 Existing dispensaries.

Dispensaries licensed to do business in the City of Mt. Shasta prior to the enactment of the ordinance codified in this chapter shall have 365 days from its final adoption to update and receive a Cannabis dispensary permit pursuant to this chapter in order to remain in operation. Any location in violation of the locational restrictions listed in MSMC [18.96.030](#) shall be allowed to continue business at that location until the associated permit is revoked or discontinued. (Ord. CCO1004, 2010)

18.96.120 Annual Security Check

Dispensaries licensed by the City of Mt. Shasta shall be subject to an annual security plan check by the Police Department. A record of the annual security check shall be filed with the Planning department to ensure security compliance.

18.96.130 Expansion of Dispensary Space

The City of Mt. Shasta understands that businesses may require additional space to meet the needs of their customers. If a dispensary were to expand space, the dispensary must submit an updated building layout plan, security plan, and schedule a security review with the City of Mt. Shasta Police Department. The dispensary must update their permit within thirty (30) days of the expansion of the dispensary space.

18.96.140 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter; and the City Council of the City of Mt. Shasta hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Provided further, that if any provision of this chapter or its application to any person or circumstance is held invalid, said chapter or the application of said provisions to other persons or circumstances shall not be affected thereby. (Ord. CCO1004, 2010)

The Mt. Shasta Municipal Code is current through Ordinance CCO1601, passed February 22, 2016.

Disclaimer: The City Clerk's Office has the official version of the Mt. Shasta Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 18.96

~~MEDICAL MARIJUANA~~CANNABIS DISPENSARIES

Sections:

- 18.96.010 Purpose.
- 18.96.020 Definitions.
- 18.96.030 Location.
- 18.96.040 Number of dispensaries.
- 18.96.050 ~~Medical marijuana~~Cannabis dispensary administrative permit process.
- 18.96.060 Findings for issuance of a ~~medical marijuana~~Cannabis dispensary permit.
- 18.96.070 Conditions of operation.
- 18.96.080 Fees.
- 18.96.090 Violations.
- 18.96.100 Suspension and revocation – Appeal.
- 18.96.110 Existing dispensaries.
- 18.96.120 Annual Security Check
- 18.96.130 Expansion of Dispensary Space
- 18.96.140 Severability.

18.96.010 Purpose.

The purpose of this chapter is to protect the public safety, health, and welfare of the residents of Mt. Shasta by regulating the operation of ~~medical marijuana~~Cannabis dispensaries within City limits, to restrict the location of ~~medical marijuana~~Cannabis dispensaries to specific portions of commercial zones (C1 and C2), and to require dispensary operators to obtain an administrative permit prior to commencing operation. (Ord. CCO1004, 2010)

18.96.020 Definitions.

(A) Cannabis. The plant, or parts of plants, derived from the Cannabis family Cannabaceae. Can be referred to as Marijuana, Marijuana related product, Cannabis, or Cannabis related product. Does not include Hemp.

(B) ~~Medical Marijuana~~Cannabis Dispensary. A “~~medical marijuana~~cannabis dispensary” is a facility where recreational or medical marijuana~~cannabis is~~ can be made available ~~for medical purposes in accordance with Cal. Health and Safety Code § 11362.5 et seq. (Compassionate Use Act).~~

~~(B)(C)~~ Administrative Review Committee. The “Administrative Review Committee” is the committee that reviews dispensary permit applications submitted under this chapter, and consists of the

~~Planning Department~~Planning Director, Police Chief, and City Manager. (Ord. CCO1004, 2010)

18.96.030 Location.

(A) ~~Medical m~~Marijuana~~Cannabis~~ dispensaries shall be permitted only in those portions of the C1 and C2 district located between Mountain View Drive and Hinckley Avenue.

(B) No ~~medical marijuana~~cannabis dispensary shall be located within ~~4,000~~250 feet of ~~any school or parcels zoned “Public (P)” as defined in MSMC 18.16.020. Mt. Shasta Elementary School, Sission Middle School, Mt. Shasta High School, or Jefferson High School.~~any school, daycare, public facility, or park

(1) Distance shall be measured from the property line of the parcel containing the dispensary to the property line of the school, using the most direct vehicle or pedestrian route, whichever is shorter. (Ord. CCO1004, 2010)

18.96.040 Number of dispensaries.

~~No more than three medical marijuana dispensaries shall be permitted to operate within the City of Mt. Shasta at any one time. The number of cannabis dispensaries shall be limited to one (1) dispensary per 1,000 residents within the city limits, as listed by the most recent United States Census Count. If the population within City limits falls below the per capita threshold then the number of dispensaries will be held at the last noted number. If at that time a dispensary has their license revoked or discontinued, no new licenses shall be granted.~~ (Ord. CCO1004, 2010)

18.96.050 Medical m~~Marijuana~~Cannabis dispensary administrative permit process.

(A) Prior to initiating operations, any person or entity wishing to operate a ~~medical marijuana~~cannabis dispensary shall apply for and receive from the Planning Department a ~~medical marijuana~~cannabis dispensary permit.

(B) The applicant for a ~~medical marijuana~~cannabis dispensary permit shall submit to the Planning Department a permit application containing the information specified in subsection (C) of this section. Upon receipt of the application, the ~~Planning Director~~Planning Department shall review the application for completeness. Applications that are deemed incomplete by the Planning Department shall be returned to the applicant within 15 days of receipt.

(C) An applicant for a dispensary permit shall provide the following information:

- (1) The full name, current residence address, address of proposed cannabis dispensary, and phone number of the applicant;
- (2) The address to which notice of action on the application is to be mailed;
- (3) Written proof that the applicant is over 18 years of age;
- (4) A map or diagram, to scale, demonstrating that the location is not within 1,000250 feet of the named locations in MSMC 18.96.030;
- (5) Authorization for the City, its agents and employees to seek verification of the information contained within the application;
- (6) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true, and that the applicant has read the California Attorney General's Guidelines and all California state regulations pertaining to cannabis dispensaries and will comply with those guidelines and regulations;
- (7) Any information or evidence substantiating the required findings of fact for approval of the administrative permit;
- (8) Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;
- (9) Security Plans. A dispensary shall submit a plan demonstrating adequate security on the premises, as approved by the Chief of Police and reviewed by the Administrative Review Committee, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. Security plans submitted must include plans for a professionally monitored robbery and burglary alarm system and a plan for adequate maintenance of the installed system so as to ensure it is maintained and in working condition;
- (10) Each applicant shall conspicuously post notice or notices on the premises stating that there has been an application for a medical-marijuana-cannabis dispensary submitted to the City of Mt. Shasta at that particular site for at least four weeks prior to the Administrative Review Committee receiving the application, and that application files are available for review at City of Mt. Shasta, 305 North Mt. Shasta Boulevard, Mt. Shasta, California.
- (D) Once an application is deemed complete, the Planning Director-Planning Department shall distribute the application materials to the Administrative Review Committee for review and decision. ~~The~~

Administrative Review Committee shall have 30 days to approve or deny the permit application. Application determinations shall be based on the findings of fact required by this chapter. Dispensary operators must also comply with the additional conditions of operations that are required by this chapter and will be contained in the permit.

(E) Once the Administrative Review Committee has made its decision on the application, the ~~Planning Director~~Planning Department shall mail a written notice of decision to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Administrative

Review Committee's decision may appeal the decision to the City Council by filing a written notice with the City Clerk within 10 business days of receipt of the ~~Planning Director~~Planning Department's notice of decision. If an appeal is not taken within that time period, the decision shall be final.

(F) If a request for an appeal to the City Council is received within the applicable time period, the appeal shall be scheduled by the City Clerk for a public hearing within 45 days of receipt of the request. Public notice of the hearing shall be given pursuant to Cal. Gov't Code § 65091. (Ord. CCO1004, 2010)

18.96.060 Findings for issuance of a ~~medical marijuana~~cannabis dispensary permit.

A permit to operate a ~~medical marijuana~~cannabis dispensary shall be granted only if the Administrative

Review Committee makes all the following findings of fact:

(A) The ~~medical marijuana~~cannabis dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and

(B) The ~~medical marijuana~~cannabis dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and

(C) The ~~medical marijuana~~cannabis dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (Ord. CCO1004, 2010)

18.96.070 Conditions of operation.

A ~~medical marijuana~~Cannabis dispensary, once permitted by the City, shall meet the following conditions for the duration of its operation:

(A) The use shall be conducted in strict compliance with the provisions of this ordinance and pertinent California state regulations related to cannabis ~~Compassionate Use Act (Cal. Health and Safety Code § 11362.5 et seq.)~~.

(B) Consumption of any medical marijuana ~~cannabis~~ or medical marijuana ~~cannabis~~ product (including smoking) or ingestion is prohibited within and in, on, or adjacent to the ~~on the~~ permitted premises.

(C) All employees of the dispensary must be 18 years of age or older.

(D) No persons under the age of 18 shall be permitted in the dispensary at any time, unless accompanied by a legal guardian and the persons under 18 hold a valid script under California medical cannabis regulations. The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.

(E) Onsite cultivation of mature medical marijuana ~~cannabis~~ is not permitted at any dispensary location, with the exception of small immature cuttings, starts, or clones.

(F) No retail sales of any products other than medical marijuana ~~cannabis~~ or medical marijuana ~~cannabis~~ related products are permitted at the dispensary.

(G) The property owner and/or operator shall be required to report any illegal activity occurring on the site, or associated with the dispensary, to the Mt. Shasta Police Department.

(H) Sale of food products containing medical marijuana ~~cannabis~~ is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.

(I) The medical marijuana ~~cannabis~~ dispensary shall be open for business only between the hours of 9:00 a.m. and 8:00 p.m. Sunday through Saturday.

(J) All medical marijuana ~~Cannabis~~ transactions shall occur at the dispensary, ~~and medical marijuana products shall be dispensed directly to the patient or designated caregiver. No owner, operator, employee, or volunteer may provide any product to any patient or designated caregiver at any location other than inside the dispensary building.~~ No delivery services shall be permitted within the City limits.

(K) The permittee shall assume all legal responsibility and liability associated with the operation of the dispensary.

(L) A representative of the City has the right to enter the premises to audit the medical marijuana ~~cannabis~~ dispensary financial records, after notice to the owner or operator of not less than five business days. Financial records include, but are not limited to, income statements and balance sheets. Other information to be provided on request may include but not be limited to total pounds grown, total pounds purchased (identification card number or membership number as defined below), total pounds sold, and existing inventory.

~~(M) Patient Records. A medical marijuana dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the County, or its agent,~~

~~pursuant to Cal. Health and Safety Code § 11362.71 et seq., as a protection of the confidentiality of the cardholders. All patient and doctor confidentiality shall be upheld and preserved.~~

~~(N)~~ All signage shall be in accordance with the City of Mt. Shasta sign ordinance.

~~(O)~~ A dispensary shall maintain a general City of Mt. Shasta business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

~~(P)~~ Each dispensary shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

(1) Days and hours of operation.

(2) Emergency contact information.

(3) Notice that persons under the age of 18 are not allowed in the dispensary without appropriate medical documentation and legal guardian.

(4) Notice that all illegal activity shall be reported to law enforcement authorities.

~~(Q)~~ Each dispensary shall post on site a notice that smoking or other methods of consumption of ~~medical marijuana~~cannabis is prohibited ~~in, on, or~~within or in the vicinity of the dispensary.

~~(R)~~ Each ~~medical marijuana~~cannabis dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the business. (Ord. CCO1004, 2010)

18.96.080 Fees.

The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of, a permit to operate a ~~medical marijuana~~cannabis dispensary. The amount of the fee shall be commensurate with the City's cost to administer and implement the provisions of this chapter. (Ord. CCO1004, 2010)

18.96.090 Violations.

Violations of the terms and conditions of the dispensary permit, of this code, or of applicable local and State laws and regulations shall be grounds for suspension or revocation of the permit by the City Manager, and subject to the appeal rights set forth in MSMC [18.96.100](#).

(Ord. CCO1004, 2010)

18.96.100 Suspension and revocation – Appeal.

Any permittee aggrieved by the decision of the City Manager to suspend or revoke a permit may, within 10 calendar days of the issuance of the decision, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within the 10-day period, the decision of the City shall be final. If an appeal is filed in a timely manner, the Council shall, within 45 days of the filing of the appeal, hold an appeal hearing. The Council may uphold the suspension or revocation of the permit if it finds that the permittee is in violation of the terms and conditions of the permit or other applicable law or regulation. The Council's decision shall be final. (Ord. CCO1004, 2010)

18.96.110 Existing dispensaries.

Dispensaries licensed to do business in the City of Mt. Shasta prior to the enactment of the ordinance codified in this chapter shall have ~~180-365~~ days from its final adoption to ~~apply~~ update and receive a ~~medical marijuana~~ Cannabis dispensary permit pursuant to this chapter in order to remain in operation. Any location in violation of the locational restrictions listed in MSMC 18.96.030 shall be allowed to continue business at that location until the associated permit is revoked or discontinued. (Ord. CCO1004, 2010)

18.96.120 Annual Security Check

Dispensaries licensed by the City of Mt. Shasta shall be subject to an annual security plan check by the Police Department. A record of the annual security check shall be filed with the Planning department to ensure security compliance.

18.96.130 Expansion of Dispensary Space

The City of Mt. Shasta understands that businesses may require additional space to meet the needs of their customers. If a dispensary were to expand space, the dispensary must submit an updated building layout plan, security plan, and schedule a security review with the City of Mt. Shasta Police Department. The dispensary must update their permit within thirty (30) days of the expansion of the dispensary space.

18.96.1420 Severability.

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

this chapter; and the City Council of the City of Mt. Shasta hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Provided further, that if any provision of this chapter or its application to any person or circumstance is held invalid, said chapter or the application of said provisions to other persons or circumstances shall not be affected thereby. (Ord. CCO1004, 2010)

The Mt. Shasta Municipal Code is current through Ordinance CCO1601, passed February 22, 2016.

Disclaimer: The City Clerk's Office has the official version of the Mt. Shasta Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.mtshastaca.gov

(<http://www.mtshastaca.gov/>)

City Telephone: (530) 9267510

Code Publishing Company

(<http://www.codepublishing.com/>)

Planning Department Staff Report

September 20, 2016

Project Number: 2016.16
Project Title: Smoke Free Limitations
Applicant: Resident Petition
Type of Project: Program/Ordinance Request
Prepared by: Juliana Lucchesi, City Planner

Background:

A resident petition was circulated in early 2016 to request the creation and enforcement of a smoke-free ordinance (Attachment 1). “Smoke-Free” is a trend in the United States to prohibit smoking of any kind in city limits. The “smoke-free” laws can also be referred to as tobacco control laws. The bans can range spatially from a full city limit band to sensitive areas, like parks and schools. The ban itself can also range from tobacco products to tobacco smoke. A tobacco products ban prohibits all forms of tobacco including, but not limited to chew tobacco, vaporized nicotine, and smoking tobacco.

The historical trend of limiting smoke and tobacco products began with the California Indoor Clean Air Act of 1976, which declared tobacco smoke a health hazard and prohibited it from indoor spaces. As public health research advanced the state ban on tobacco smoke has extended to outdoor areas. The state of California does not allow smoking within 20 feet of an entryway, which was instituted in 2004 with the “Smoke-Free Entryway Law”, AB 846. The law prohibits smoking within 20 feet of a main entrance, exit, or operable window. Unfortunately, the law is limited to public buildings.

Local Ordinance Application

Local ordinances across the United States and the state of California have been created to limit or completely prohibit smoking in the public sphere (Attachment 2). The City of Calabasas in 2006 approved a Second Hand Smoking regulation that limits the areas in which smoking can occur (Attachment 3). The ordinance does not all smoking of any kind

in public, multi-housing, entry/exit-ways of all buildings, and established outdoor areas. Not all outdoors areas are prohibited in this ordinance, but the language allows businesses and residences to post “No Smoking” signs to prevent outdoor smoking within a reasonable distance of the building.

The City of Calabasas ordinance is a legally defensible ordinance that faced no legal challenges after ratification. According to information from the city government, there has been a downfall in the number of smoking incidences in the main downtown and shopping areas. The difficulties faced by the city was the initial enforcement and trash related to the removal of ashtrays. The ordinance does outline ticketing and enforcement regulations, but found in the first few years of the ordinance that many people did not obey posted signs in businesses. Cigarette and tobacco product trash was left throughout the city and still remains a slight problem due to the lack of available ashtrays.

The City of Calabasas instituted a comprehensive second hand smoke ordinance, while other cities like the City of Alameda. Alameda created and ratified a second-hand smoke ordinance in 2012 (Attachment 4). The city moved to prohibit smoking on sidewalks along any commercially zoned parcel to reduce the amount of smoking in the shopping and downtown districts. The ordinance does allow for smoking in alleyways that are at least 20 feet from the sidewalk. The City of Alameda also prohibits any smoking within 20 feet of a public event area.

General Plan Connection:

Although it is the purview of the Planning Department and City Government to create regulations to ensure the health, safety, and welfare of the people, there is no language in the General Plan on “Smoke-free” regulations.

Staff Recommendations:

Staff requests guidance on measure to be pursued to address resident petition for a smoke-free ordinance.

The City of Mt. Shasta does not employ any additional regulations on second-hand smoke or tobacco products. The creation of an ordinance to regulate tobacco products or smoke

contributes to a healthier environment for visitors and residents in other jurisdictions. The major decision to be made is what level of regulation applies to the City of Mt. Shasta. The Planning Commission could recommend prohibit smoking in the downtown district, public places, or extend the ordinance further to include most of the city limits.

It is City Staff recommendation to create an ordinance that phases in no smoking regulations. The first phase would be to prohibit smoking in publicly zoned areas within the city limits and along sidewalks in the downtown area. It is also recommend to continue to allow smoking in the alleyway of the downtown district to accommodate those who would still like to smoke. The second phase would be to include all sidewalks along commercially zoned parcels in the city limits.

Attachments:

- 1. Resident Petition**
- 2. List of Municipalities with “Smoke-free” ordinances**
- 3. City of Calabasas Second-hand Smoke Ordinance**
- 4. City of Alameda Second-hand Smoke Ordinance**

PETITION TO ADOPT A NO-SMOKING ORDINANCE IN THE CITY OF MT. SHASTA

We the citizens of the City of Mt. Shasta and its sphere of influence respectfully request the City Council adopt an ordinance to prohibit smoking in the following areas: within 25 feet of a doorway of any business which is open for business, including outdoor seating areas of restaurants as well as sidewalks within that designated distance which provide access those businesses. In addition, prohibit smoking within 50 feet of a City designated children's playing area such as the one at Mt. Shasta City Park.

	<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
269	Michael Hamilton		4/20
270	Jennifer Roach		4/20
271	Georgina Linger		4/20
272	Charles Addcox		4/20
273	Mark Clive		4/20
274	Joyce M. LOPEY		4/20
275	Shirley Rios		4/20
276	Jeanne Buwalda		4/20
277	Melissa Reddick		4/20
278	Breg Hippert		4/20
279	Margaret Cable		4/20
280	Danielle Gellor		4/20
281	Mona Angelini		4/20
282	Robert Houghton		4/20
283	Kathleen D Hall		4/20
284	Burke J Fairbrother		4/20
285	Debra ANSLEY LEVERSEN MCCARTHY		4/20
286	Patricia Leary CHELLA		4/20
287	Michael H. Chubb		4/20

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<u>Name of Person & Business</u> (if applicable)	<u>Address</u> NO P.O. Box	<u>Telephone</u>
250	Justin Bartz	4/19
251	Heather Pondergast	4/19
252	Victory Vozza 222A	4/19
253	CAROL Kraus	4/19
254	Doris Inzunza	4/19
255	Rebecca Krause	4/19
256	Dy Cole	4/19
257	Kelsey Watson	4/20
258	Kristina Krasovska	4/20
259	Craig Douglas BROWNIE	4/20
260	Jacki Brunner	4/20
261	Vanku Pollock C. WELLSBORN	4/20
262	C. Wellsborn	4/20
263	Max Morin	4/20
264	Debbie Hampton	4/20
265	ROBERTA Halcomb ACUT ABOVE TREE SERVICE INC	4/20
266	Domine B	4/20
267	Carole Hummer	4/20
268	Alexis Hampton	4/20

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<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
231 H. DePaolo		4/19
232 Raphaelle Tamura		4/19
233 Man Mandelke		4/19
234 VICKI WANG		4/19
235 Shirley Cable		4/19
236 Alma Kennedy		4/19
237 J. Hoff Jess hugo		4/19
238 Carol B...		4/19
239 CAROL LOSLEBEN		4/19
240 John Kidson		4/19
241 Arlene Dembinski		4/19
242 Penny Bonney		4/19
243 Tom Collins		4/19
244		
245 Ashley Hirsch		4/19
246 Weather Drug		4/19
247 JEREMY PRICE Hines		4/19
248 Judy Hester		4/19
249 Martin Glassey		4/19

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<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
212 Anne Jordahl		4/15
213 LISA VAZQUEZ		4/15
214 Cheryl Keiser		4/15
215 R.E. OLDS		4/15
216 Ann Mardock		4/15
217 JASON WEBERMAN		4/15
218 JUSTIN GELB		4/15
219 G.L. TV STAECK		4/15
220 PEGGY SHOMAKER		4/15
221 Amanda Chaula		4/15
222 Connie Champion		4/15
223 MICK HUBBON		4/15
224 SPURTH VALLEY FLOWERS Jennifer M... ..		4/15
225 Janet Ravnall		4/15
226 Barb Schmid + Tina Nebiolini		4/15 4/15
227 John Lych	92 4/15	
228 Lucille Cook	4/15	
230 Michael Nelligan	4/15	

PETITION TO ADOPT A NO-SMOKING ORDINANCE IN THE CITY OF MT. SHASTA

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<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
193 <i>Conita Rossa</i>		2 4/13
194 <i>Bonnie Davis</i>		4/13
195 <i>Carola Trout</i>		4/13
194 <i>Don D Lewis</i>		4/13
197 <i>Kathleen G. Jan</i>		4/13
198 <i>John Kirby</i>		4/13
199 <i>Patricia Daugherty-Bold</i>		4/13
200 <i>Michelle Michaelson</i>		4/13
201 <i>Jan Fott</i>		7/14
202 <i>John Kenney</i>		4/15
203 <i>Frank Peterson</i>		4/15
204 <i>Cristin Harryman</i>		4/15
205 <i>Susan Kulevsk</i>		4/15
206 <i>Steve Star</i>		4/15
207 <i>Debbi Webb</i> <i>ISAAC ALEXANDER</i>	4/15	
208 <i>Carol Williams</i>	4/15	
209 <i>Jenny Williams</i>	4/15	
210 <i>Jimmy Williams</i>	4/15	
211 <i>Carol Wheeler</i>	4/15	

PETITION TO ADOPT A NO-SMOKING ORDINANCE IN THE CITY OF MT. SHASTA

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	<u>Name of Person & Business</u> <u>(if applicable)</u>	<u>Address</u>	<u>Telephone</u>
174	Donna Fox <i>Donna Fox</i>		4/13
175	Wendy [unclear]		4/13
176	Brett Lakey		4/13
177	Peto V. Vasquez		4/13
178	Donna Riddell		4/13
179	Pamela Eason		4/13
180	Neta NovD		4/13
181	WILLIAM FRASSETTI <i>William Frassetti</i>		4/13
182	Lori Warte <i>Lori Warte</i>		4/13
183	Ege Thompson <i>Ege Thompson</i>		4/13
184	William K. Allen		4/13
185	James Caldwell		4/13
186	Solamer Rowland		4/13
187	Chad McCall		4/13
188	Henry Tooter		4/13
189	Kath [unclear]		4/13
190	Alyis Clancy		4/13
191	ASHLEY MARONEY <i>Ashley Maroney</i>		4/13
192	Jade Coyote <i>JADE COYOTE</i>		4/13

**PETITION TO ADOPT A NO-SMOKING ORDINANCE
IN THE CITY OF MT. SHASTA**

<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
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151	Speak Aborn		4/8
152	Linda Mitchell		4/8
153	Melvin Pratt		4/8
154	Will Russell		4/8
155	Martin Lundquist		4/8
156	Laura Barrett		4/8
157	Ernie Lewis		4/8
158	Doug [unclear] Carter		4/8
159	Rebecca Carter		4/8
160	Beverly Harlan		4/13
161	Julie Titus		4/13
162	Dorise Margaret		4/13
163	Rosanna Salata		4/13
164	A. ORTEGA		4/13
165	Sandra Winslow		4/13
166	Tim Shannon Till Gunn		4/13
167	Laurie Swinton		4/13
168	Charlie [unclear] GUNTHER		4/13
169	[unclear] Chardon		4/13
170	Boyle MUSE		4/13
171	Jack Goode JACK Goode		4/13
172	[unclear] Keelan		4/13
173	[unclear] STAVE ALONZO		4/13

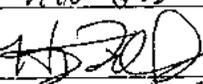
**PETITION TO ADOPT A NO-SMOKING ORDINANCE
IN THE CITY OF MT. SHASTA**

<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
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130	Rachael Cordy		4/4/6
131	Jewell Daly		4/6/12
132	Jonas Hertzog		4/6
133	Ray Boehme		4/6
134	MARK STANLEY		4/6
135	Clude DeBon		4/8
136	Bernadette O'Sullivan		4/8
137	Mike Wiegeler		4/8
138	Ernest Speckmann		4/8
139	Marge Neller		4/8
140	Allison Carpenter		4/8
141	Ralph Thomas		4/8
142	Peter Van Susteren		4/8
143	Denise McDaniel		4/8
144	BILL BECKAERT		4/8
145	VICKI BOLSCHWAB		4/8
146	Simon Gerschler		4/8
147	BOBUCZ INBAG		4/8
148	Greg Hahn		4/8
149	Constance Dale (SUNDE)		4/8
150	MARIA HIRANO		4/8
	Alicia Bodenberger		4/8

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<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
111 STACE Moulze	[REDACTED]	412/14
112 Stephanie Wlander		412/14
113 Gabriella Palmer		412/14
114 Rebecca Anderson		412/14
115 Sarah M. Jewett		412/14
116 Paul Beek		412/14
117 Patricia Louco		413/14
118 Amanda Young		413/14
119 Matthew Johnson		413/14
120 Charles Unkefer		4/16
121 Jimmy Hibbins		4/16/14
122 Gabriel Bocanegra		4/16/14
123 Laurel West Kudir		4/16
124 ^{ARMY COOPER} Andy Cooper		4/16
125 Lt Bill Pator		4/16
126 Deborah S. Johnson		4/16
127 Thomas Wick		4/16
128  HAVATZELET FIELD		4/16
129 ^{TOM DOWNIE} Tom Downie		4/16

**PETITION TO ADOPT A NO-SMOKING ORDINANCE
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<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
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64	Harold Jay		4/1/16
67	Bernd Ekelund		2/16
68	Chris Credo		1/2
69	Self Williams The Fifth Season		2/16
70	PAGES		2/16
71	Pat Lunge		12/16
72	Champf R. Paula		4/5/16
73	Tom Lowell		4/5/16
74	Cappie Lye		4/5/16
75	Julia - Jim Miller		4/5/16
76	Paul Malas		4/5/16
77	Sandra Kay		4/5/16
78	Mary L. Bures		35
79	James J. Muel		4/5/16
80	Olivia Vaughan		4/5
81	Anne Heart		4/5/16
82	James R. Parker		4/5/16
83	Dorothy Lee Pridemore		4/5/16
84	Mazbah Taahn		4/5/16
85	Michael Foletta		4/5/16
86	Diane Robbins		4/5/16
87	MATEO Ocampo		4/5/16
88	Richard Murphy		4/5

PETITION TO ADOPT A NO-SMOKING ORDINANCE IN THE CITY OF MT. SHASTA

<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
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43 Byes Byes Auto		
44 Julia Hobbs Directions		
45 Ratt Padula Shasta Rainbow Angels		
46 Bouda Evans - Elite		3/1/16
47 Pauline LANGUAGE OUTST		3/1/14
48 Howard LeMay MOIRA GARY		4/1/14
49 Annette M. Shewville		4/1/14
50		
51 Greg Langford		4/1/16
52 ARI KATON		4/1/16
53 Shewville		4/1/16
54 G. Manero		4/1/16
55 Melantha Knight		4/1/16
56 Annie L. George		4/1/16
57 D. Joyce		4/1/16
58 B. — Barry Dean		4/1/16
59 Cherry FORN		4/1/16
60 Eugene Woody		4/1/16
61 Maria Brisden		4/1/16
62 Darlene Empler/Man		4/1/16
63 Lynn Lockett		4/1/16
64 Darlene George		4/1/16
65 John Smith		4/1/16

PETITION TO ADOPT A NO-SMOKING ORDINANCE IN THE CITY OF MT. SHASTA

<u>Name of Person & Business</u> (if applicable)	<u>Address</u>	<u>Telephone</u>
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20	JOHN MEZA		3/7/16
21	LINDSAY BUDNER		3/7/16
22	Jessica Perrisano		3/7/16
23	Doct. K. Montz		3/8/16
24	Ted Palfini		3/8/16
25	ROBERT ASHWORTH		3/8/16
26	Margaret Cable Doszpeko		3/8/16
27	John C. Utveck		3/8/16
28	Leslee Thomas		3/8/16
29	Bryan Pearson		3/8/16
30	Sheri McCalch Coffee Connection		3/8/16
31	Jan Garrigus		3/8/16
32	William Roaden		3/16
33	HEINZ AMBERGER		3/16
34	CHRISTINA BRYANT		3/16
35	Laura Turner Mtn Song		3/16
36	Clara M Byn Glass Elegance		3/16
37	Daniel J. Byers		3/16
38	Brian G. Fish		3/16
39	Chelsea Pritchard All Trade Services		3/30
40	Jacob Pritchard		3/30
41	Phoenix Lawhon Mount Shasta BioRegional Ecology Isler Center		3/30
42	Dale InForest		3/30

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	<u>Name of Person & Business</u> <u>(if applicable)</u>	<u>Address</u>	<u>Telephone</u>
1	Betty J. Kreeger		3/7/16
2	Diane Shearer		3/7/16
3	Tina Trudel		3/7/16
4	^{COLDWELL BANISTER} TRALIE DRECK		3/7/16
5	Niko Allen		3/7/16
6	Chad Thorpe		3/7/16
7	Roger Tuan		3/7/16
8	Noelle McBride		3/7/16
9	Nicole Rieth		3/7/16
10	Courtney Johnston		3/7/16
11	Richard Chen ^{SURIES}		3/7/16
12	Andrew ^{ANDREW BATTINGER} Wassayas		3/7/16
13	Blue ^{any connections} A. Catlin		3/7/16
14	DTI Smister		3/7/16
15	J. Loy ESTES		3/7/16
16	Amber ^{small town inn}		3/7/16
17	^{PETER ENGDHAL} SnowCrest		3/7/16
18	David Sjostedt		3/7/16
19	Angela Pigni Impressions Salon		3/7/16

Municipalities with Local 100% Smokefree Laws

Currently in effect as of July 1, 2016

Note: The jurisdiction(s) affected by county-level laws vary widely. Look for a plus symbol (+) next to each county with a law that includes both incorporated and unincorporated areas. A county without a symbol means that the county law covers unincorporated areas only.

Only municipalities with ordinances or regulations that do not allow smoking in attached bars or separately ventilated rooms and do not have size exemptions are listed here. A state or local municipality can pass a Non-Hospitality Workplace*, Restaurant**, or Bar law, or any combination of the three. For state law information, please see the last pages.

	Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1.	Anchorage	AK	Yes	Yes	Yes
2.	Barrow	AK		Yes	
3.	Dillingham	AK		Yes	Yes
4.	Fairbanks	AK	Yes		
5.	Haines Borough ⁺	AK	Yes	Yes	Yes
6.	Juneau	AK		Yes	Yes
7.	Klawock	AK	Yes	Yes	Yes
8.	Koyuk	AK	Yes	Yes	
9.	Nome	AK	Yes	Yes	Yes
10.	Nunam Iqua	AK		Yes	
11.	Palmer	AK	Yes	Yes	Yes
12.	Petersburg	AK		Yes	Yes
13.	Sitka	AK	Yes	Yes	
14.	Skagway Borough ⁺	AK	Yes	Yes	Yes
15.	Unalaska	AK		Yes	Yes
16.	Albertville	AL	Yes	Yes	Yes
17.	Alexander City	AL	Yes	Yes	
18.	Anniston	AL	Yes	Yes	Yes
19.	Atmore	AL	Yes	Yes	Yes
20.	Auburn	AL		Yes	Yes
21.	Bay Minette	AL		Yes	
22.	Bayou La Batre	AL	Yes	Yes	Yes
23.	Bessemer	AL	Yes	Yes	
24.	Birmingham	AL	Yes	Yes	Yes
25.	Center Point	AL	Yes		
26.	Chickasaw	AL	Yes	Yes	Yes
27.	Citronelle	AL	Yes	Yes	Yes
28.	Clay	AL	Yes	Yes	Yes
29.	Cottonwood	AL	Yes	Yes	Yes
30.	Creola	AL	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
31.	Daphne	AL	Yes	Yes	
32.	Decatur	AL	Yes	Yes	Yes
33.	East Brewton	AL	Yes	Yes	Yes
34.	Fairfield	AL		Yes	Yes
35.	Fairhope	AL	Yes	Yes	
36.	Flomaton	AL	Yes	Yes	Yes
37.	Foley	AL	Yes	Yes	
38.	Fort Payne	AL		Yes	
39.	Fultondale	AL	Yes	Yes	Yes
40.	Gadsden	AL	Yes	Yes	Yes
41.	Geneva	AL	Yes		
42.	Gulf Shores	AL	Yes	Yes	Yes
43.	Headland	AL		Yes	Yes
44.	Homewood	AL	Yes	Yes	Yes
45.	Jasper	AL	Yes	Yes	Yes
46.	Lanett	AL	Yes	Yes	Yes
47.	Luverne	AL		Yes	Yes
48.	Midfield	AL	Yes	Yes	Yes
49.	Mobile	AL	Yes	Yes	
50.	Monroeville	AL	Yes	Yes	Yes
51.	Northport	AL		Yes	
52.	Opelika	AL	Yes	Yes	
53.	Opp	AL		Yes	
54.	Orange Beach	AL	Yes	Yes	Yes
55.	Oxford	AL	Yes	Yes	Yes
56.	Phenix City	AL	Yes	Yes	Yes
57.	Prichard	AL	Yes	Yes	
58.	Robertsdale	AL	Yes	Yes	
59.	Saraland	AL		Yes	Yes
60.	Satsuma	AL	Yes	Yes	Yes
61.	Spanish Fort	AL	Yes	Yes	
62.	Talladega	AL	Yes	Yes	Yes
63.	Troy	AL	Yes	Yes	Yes
64.	Tuskegee	AL	Yes	Yes	
65.	Vestavia Hills	AL	Yes	Yes	Yes
66.	Fairfield Bay	AR	Yes	Yes	Yes
67.	Fayetteville	AR		Yes	
68.	Helena-West Helena	AR	Yes	Yes	Yes
69.	Highfill	AR	Yes	Yes	
70.	Pine Bluff	AR		Yes	
71.	Wooster	AR	Yes	Yes	Yes
72.	Chandler	AZ	Yes		
73.	Coconino County	AZ	Yes	Yes	
74.	Cottonwood	AZ	Yes		
75.	Flagstaff	AZ	Yes	Yes	Yes
76.	Gilbert	AZ	Yes	Yes	Yes
77.	Goodyear	AZ	Yes		

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
78.	Guadalupe	AZ	Yes	Yes	Yes
79.	Nogales	AZ	Yes		
80.	Prescott	AZ	Yes	Yes	Yes
81.	Santa Cruz County	AZ	Yes		
82.	Sedona	AZ	Yes	Yes	Yes
83.	Surprise	AZ	Yes		
84.	Tempe	AZ	Yes	Yes	Yes
85.	Youngtown	AZ	Yes	Yes	Yes
86.	Alameda County	CA	Yes	Yes	Yes
87.	Albany	CA	Yes	Yes	Yes
88.	Arcata	CA	Yes	Yes	Yes
89.	Auburn	CA	Yes		
90.	Belmont	CA	Yes	Yes	Yes
91.	Belvedere	CA	Yes		Yes
92.	Berkeley	CA	Yes	Yes	Yes
93.	Blue Lake	CA	Yes	Yes	Yes
94.	Brisbane	CA		Yes	Yes
95.	Burlingame	CA	Yes		
96.	Butte County	CA	Yes	Yes	Yes
97.	Calabasas	CA	Yes	Yes	Yes
98.	Calexico	CA	Yes	Yes	
99.	Calistoga	CA	Yes		
100.	Campbell	CA		Yes	Yes
101.	Capitola	CA	Yes		
102.	Carpinteria	CA	Yes	Yes	Yes
103.	Ceres	CA	Yes		
104.	Chico	CA	Yes	Yes	Yes
105.	Chino Hills	CA	Yes		
106.	Colfax	CA	Yes		
107.	Contra Costa County	CA	Yes	Yes	Yes
108.	Coronado	CA		Yes	Yes
109.	Corte Madera	CA	Yes	Yes	Yes
110.	Cotati	CA	Yes	Yes	Yes
111.	Cupertino	CA	Yes		
112.	Daly City	CA	Yes	Yes	Yes
113.	Davis	CA	Yes	Yes	Yes
114.	Del Mar	CA	Yes	Yes	Yes
115.	Dublin	CA		Yes	Yes
116.	El Cajon	CA		Yes	Yes
117.	El Cerrito	CA	Yes	Yes	Yes
118.	Emeryville	CA		Yes	Yes
119.	Eureka	CA	Yes	Yes	Yes
120.	Fairfax	CA	Yes	Yes	Yes
121.	Folsom	CA		Yes	Yes
122.	Fort Bragg	CA	Yes		
123.	Foster City	CA		Yes	Yes
124.	Fremont	CA	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
125. Galt	CA		Yes	Yes
126. Gilroy	CA		Yes	Yes
127. Glendale	CA	Yes	Yes	Yes
128. Goleta	CA		Yes	Yes
129. Hayward	CA		Yes	Yes
130. Hughson	CA	Yes		
131. Imperial Beach	CA	Yes	Yes	Yes
132. Lafayette	CA	Yes	Yes	Yes
133. Laguna Hills	CA	Yes	Yes	Yes
134. Laguna Woods	CA	Yes	Yes	Yes
135. Larkspur	CA	Yes	Yes	Yes
136. Lathrop	CA	Yes		
137. Loma Linda	CA	Yes	Yes	Yes
138. Lompoc	CA		Yes	Yes
139. Long Beach	CA	Yes	Yes	Yes
140. Mammoth Lakes	CA	Yes	Yes	Yes
141. Manhattan Beach	CA	Yes	Yes	Yes
142. Marin County	CA	Yes	Yes	Yes
143. Martinez	CA	Yes	Yes	Yes
144. Mendocino County	CA	Yes		
145. Menlo Park	CA		Yes	Yes
146. Merced	CA	Yes		
147. Mill Valley	CA	Yes	Yes	Yes
148. Millbrae	CA	Yes	Yes	Yes
149. Milpitas	CA		Yes	Yes
150. Mission Viejo	CA		Yes	Yes
151. Modesto	CA	Yes	Yes	
152. Monterey	CA	Yes	Yes	Yes
153. Monterey County	CA	Yes	Yes	Yes
154. Moorpark	CA	Yes	Yes	Yes
155. Morgan Hill	CA	Yes	Yes	Yes
156. Morro Bay	CA	Yes	Yes	Yes
157. Mountain View	CA	Yes	Yes	Yes
158. Murrieta	CA		Yes	Yes
159. Napa	CA		Yes	Yes
160. Napa County	CA	Yes		
161. Newark	CA	Yes	Yes	Yes
162. Novato	CA	Yes	Yes	Yes
163. Oakland	CA	Yes		
164. Ojai	CA	Yes		
165. Oroville	CA	Yes		
166. Palo Alto	CA	Yes	Yes	Yes
167. Paradise	CA	Yes	Yes	Yes
168. Pasadena	CA	Yes	Yes	Yes
169. Patterson	CA	Yes		
170. Petaluma	CA	Yes		
171. Pico Rivera	CA		Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
172.	Pinole	CA		Yes	Yes
173.	Pittsburg	CA		Yes	Yes
174.	Pleasanton	CA		Yes	
175.	Rancho Cordova	CA	Yes	Yes	Yes
176.	Rancho Cucamonga	CA		Yes	Yes
177.	Richmond	CA	Yes	Yes	Yes
178.	Rohnert Park	CA	Yes	Yes	Yes
179.	Roseville	CA	Yes		
180.	Ross	CA	Yes	Yes	Yes
181.	Sacramento	CA	Yes		
182.	Sacramento County	CA	Yes		
183.	Salinas	CA		Yes	Yes
184.	San Anselmo	CA	Yes	Yes	Yes
185.	San Bernardino County	CA	Yes		
186.	San Carlos	CA		Yes	Yes
187.	San Diego	CA		Yes	Yes
188.	San Francisco	CA	Yes	Yes	
189.	San Jose	CA	Yes	Yes	Yes
190.	San Juan Bautista	CA	Yes	Yes	
191.	San Leandro	CA	Yes	Yes	Yes
192.	San Luis Obispo	CA	Yes	Yes	Yes
193.	San Mateo	CA		Yes	Yes
194.	San Mateo County	CA	Yes		
195.	San Rafael	CA	Yes	Yes	Yes
196.	San Ramon	CA	Yes	Yes	Yes
197.	Santa Barbara	CA	Yes	Yes	Yes
198.	Santa Barbara County	CA	Yes		
199.	Santa Clara	CA	Yes	Yes	
200.	Santa Clara County	CA	Yes	Yes	Yes
201.	Santa Clarita	CA	Yes	Yes	Yes
202.	Santa Cruz	CA	Yes		
203.	Santa Cruz County	CA	Yes		
204.	Santa Maria	CA		Yes	Yes
205.	Santa Rosa	CA	Yes	Yes	Yes
206.	Saratoga	CA	Yes		
207.	Sausalito	CA	Yes	Yes	Yes
208.	Scotts Valley	CA	Yes	Yes	
209.	Sebastopol	CA	Yes	Yes	Yes
210.	Shafter	CA	Yes	Yes	
211.	Shasta County	CA	Yes	Yes	Yes
212.	Sierra Madre	CA		Yes	Yes
213.	Solana Beach	CA		Yes	Yes
214.	Solano County	CA	Yes		
215.	Solvang	CA		Yes	Yes
216.	Sonoma County	CA	Yes	Yes	Yes
217.	South Pasadena	CA	Yes	Yes	Yes
218.	South San Francisco	CA	Yes		

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
219.	Stanislaus County	CA	Yes		
220.	Sunnyvale	CA		Yes	
221.	Temecula	CA	Yes	Yes	Yes
222.	Temple City	CA		Yes	Yes
223.	Tiburon	CA	Yes	Yes	Yes
224.	Tracy	CA	Yes		
225.	Tuolumne County ⁺ (except the city of Sonora)	CA	Yes		
226.	Ukiah	CA	Yes		
227.	Union City	CA	Yes	Yes	Yes
228.	Vallejo	CA	Yes		
229.	Ventura	CA		Yes	Yes
230.	Ventura County	CA	Yes		
231.	Visalia	CA	Yes	Yes	
232.	Walnut Creek	CA		Yes	Yes
233.	Watsonville	CA	Yes		
234.	Yolo County	CA	Yes	Yes	Yes
235.	Yountville	CA	Yes		
236.	Alamosa	CO		Yes	
237.	Arvada	CO	Yes	Yes	Yes
238.	Avon	CO	Yes	Yes	Yes
239.	Boulder	CO	Yes	Yes	Yes
240.	Boulder County	CO	Yes	Yes	Yes
241.	Breckenridge	CO		Yes	Yes
242.	Brighton	CO		Yes	Yes
243.	Canon City	CO		Yes	Yes
244.	Central City	CO		Yes	Yes
245.	Dillon	CO		Yes	Yes
246.	Eagle County	CO	Yes	Yes	Yes
247.	Edgewater	CO	Yes	Yes	Yes
248.	Evans	CO		Yes	Yes
249.	Firestone	CO	Yes		
250.	Fort Collins	CO	Yes	Yes	Yes
251.	Frisco	CO		Yes	Yes
252.	Golden	CO		Yes	Yes
253.	Grand Junction	CO		Yes	Yes
254.	Greeley	CO		Yes	Yes
255.	Greenwood Village	CO		Yes	Yes
256.	Lafayette	CO		Yes	Yes
257.	Lakewood	CO		Yes	Yes
258.	Littleton	CO		Yes	Yes
259.	Longmont	CO		Yes	Yes
260.	Louisville	CO		Yes	Yes
261.	Loveland	CO		Yes	Yes
262.	Monte Vista	CO		Yes	Yes
263.	Pueblo	CO	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
264.	Rifle	CO		Yes	Yes
265.	San Luis	CO	Yes	Yes	Yes
266.	Silverthorne	CO		Yes	Yes
267.	Snowmass Village	CO	Yes	Yes	Yes
268.	Steamboat Springs	CO		Yes	
269.	Summit County	CO		Yes	Yes
270.	Superior	CO		Yes	Yes
271.	Telluride	CO	Yes	Yes	Yes
272.	Timnath	CO	Yes	Yes	Yes
273.	Wheat Ridge	CO		Yes	Yes
274.	Winter Park	CO		Yes	Yes
275.	Washington	DC	Yes	Yes	Yes
276.	Athens/Clarke County ⁺	GA		Yes	Yes
277.	Berkeley Lake	GA	Yes	Yes	
278.	Buena Vista	GA	Yes	Yes	Yes
279.	Chatham County	GA	Yes	Yes	Yes
280.	Columbia County	GA	Yes	Yes	
281.	Cordele	GA	Yes		
282.	Decatur	GA	Yes	Yes	
283.	DeKalb County	GA	Yes		
284.	Douglas	GA	Yes	Yes	
285.	Douglas County	GA	Yes		
286.	Douglasville	GA	Yes		
287.	Dunwoody	GA	Yes		
288.	Effingham County	GA		Yes	Yes
289.	Gainesville	GA		Yes	Yes
290.	Loganville	GA	Yes	Yes	
291.	Madison	GA		Yes	
292.	Morrow	GA	Yes	Yes	Yes
293.	Peachtree City	GA		Yes	
294.	Pooler	GA	Yes	Yes	Yes
295.	Savannah	GA	Yes	Yes	Yes
296.	Snellville	GA		Yes	Yes
297.	Tift County	GA		Yes	Yes
298.	Tifton	GA		Yes	
299.	Valdosta	GA	Yes	Yes	
300.	Hawaii County ⁺	HI	Yes	Yes	Yes
301.	Honolulu	HI	Yes	Yes	
302.	Maui County ⁺	HI		Yes	
303.	Coralville	IA	Yes	Yes	Yes
304.	Glenwood	IA	Yes	Yes	Yes
305.	North Liberty	IA	Yes	Yes	Yes
306.	Boise	ID	Yes	Yes	Yes
307.	Ketchum	ID	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
308.	Moscow	ID			Yes
309.	Arlington Heights	IL	Yes	Yes	
310.	Barrington	IL	Yes	Yes	Yes
311.	Batavia	IL	Yes	Yes	Yes
312.	Bedford Park	IL	Yes	Yes	Yes
313.	Benton	IL	Yes	Yes	Yes
314.	Berwyn	IL	Yes		
315.	Bloomington	IL	Yes	Yes	Yes
316.	Buffalo Grove	IL	Yes	Yes	Yes
317.	Burr Ridge	IL	Yes	Yes	Yes
318.	Calumet City	IL	Yes		
319.	Carbondale	IL		Yes	Yes
320.	Centralia	IL	Yes	Yes	Yes
321.	Chicago	IL	Yes	Yes	Yes
322.	Chicago Heights	IL	Yes		
323.	Cook County ⁺ (except those areas governed by an ordinance of another governmental entity)	IL	Yes	Yes	Yes
324.	Countryside	IL	Yes	Yes	Yes
325.	Deerfield	IL	Yes	Yes	Yes
326.	DeKalb	IL	Yes	Yes	Yes
327.	East Moline	IL	Yes	Yes	Yes
328.	East Peoria	IL	Yes	Yes	Yes
329.	Effingham County ⁺	IL	Yes	Yes	Yes
330.	Elgin	IL	Yes	Yes	Yes
331.	Elk Grove Village	IL	Yes	Yes	Yes
332.	Elmwood Park	IL	Yes	Yes	Yes
333.	Evanston	IL	Yes	Yes	Yes
334.	Frankfort	IL	Yes	Yes	Yes
335.	Galesburg	IL	Yes	Yes	Yes
336.	Hanover Park	IL	Yes	Yes	
337.	Hawthorn Woods	IL	Yes	Yes	Yes
338.	Highland Park	IL	Yes	Yes	Yes
339.	Hinsdale	IL	Yes	Yes	Yes
340.	Hoffman Estates	IL	Yes	Yes	
341.	Indian Head Park	IL	Yes		
342.	Justice	IL	Yes		
343.	La Grange	IL	Yes	Yes	
344.	La Grange Park	IL	Yes		Yes
345.	Lake Bluff	IL	Yes	Yes	Yes
346.	Lake County	IL	Yes	Yes	Yes
347.	Lake Forest	IL	Yes	Yes	Yes
348.	Lemont	IL	Yes	Yes	Yes
349.	Libertyville	IL	Yes	Yes	Yes
350.	Lincolnshire	IL	Yes		

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
351.	Lincolnwood	IL	Yes	Yes	Yes
352.	Lindenhurst	IL	Yes	Yes	Yes
353.	Logan County	IL		Yes	Yes
354.	Long Grove	IL	Yes		
355.	Mclean County	IL	Yes	Yes	
356.	Milan	IL	Yes	Yes	Yes
357.	Morton Grove	IL	Yes	Yes	Yes
358.	Naperville	IL	Yes	Yes	Yes
359.	New Lenox	IL	Yes	Yes	Yes
360.	Niles	IL	Yes		
361.	Normal	IL	Yes	Yes	Yes
362.	Norridge	IL	Yes	Yes	Yes
363.	North Aurora	IL	Yes	Yes	Yes
364.	Northbrook	IL	Yes	Yes	
365.	Oak Lawn	IL	Yes		
366.	Oak Park	IL	Yes	Yes	Yes
367.	Ogle County [†]	IL	Yes	Yes	Yes
368.	Orland Park	IL	Yes	Yes	Yes
369.	Palatine	IL	Yes	Yes	Yes
370.	Palos Hills	IL	Yes	Yes	Yes
371.	Park Forest	IL	Yes	Yes	Yes
372.	Park Ridge	IL	Yes	Yes	Yes
373.	Plainfield	IL	Yes	Yes	Yes
374.	Prospect Heights	IL	Yes	Yes	Yes
375.	Riverside	IL	Yes	Yes	N/A [^]
376.	Rochelle	IL	Yes	Yes	Yes
377.	Rolling Meadows	IL	Yes	Yes	Yes
378.	Sangamon County	IL	Yes	Yes	Yes
379.	Schaumburg	IL	Yes	Yes	Yes
380.	Skokie	IL	Yes	Yes	Yes
381.	South Beloit	IL	Yes	Yes	Yes
382.	Springfield	IL		Yes	Yes
383.	Steger	IL	Yes		
384.	Streator	IL	Yes	Yes	Yes
385.	Taylor Springs	IL	Yes	Yes	Yes
386.	Tinley Park	IL	Yes	Yes	Yes
387.	Urbana	IL	Yes	Yes	Yes
388.	Vernon Hills	IL	Yes	Yes	Yes
389.	Villa Grove	IL	Yes	Yes	Yes
390.	Wamac	IL	Yes	Yes	Yes
391.	Washington	IL	Yes	Yes	Yes
392.	Waukegan	IL	Yes	Yes	Yes
393.	Westchester	IL	Yes		
394.	Wheaton	IL	Yes	Yes	

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
395. Wheeling	IL	Yes		
396. Wilmette	IL	Yes	Yes	Yes
397. Worth	IL	Yes	Yes	Yes
398. Allen County ⁺ (except those cities that choose to opt out)	IN	Yes	Yes	
399. Avon	IN	Yes	Yes	
400. Bloomington	IN	Yes	Yes	Yes
401. Carmel	IN	Yes	Yes	
402. Chesterton	IN	Yes		
403. Columbus	IN			Yes
404. Crown Point	IN	Yes	Yes	
405. Cumberland	IN	Yes	Yes	Yes
406. Delaware County ⁺	IN	Yes	Yes	Yes
407. Elkhart	IN	Yes	Yes	Yes
408. Fort Wayne	IN	Yes	Yes	Yes
409. Franklin	IN	Yes	Yes	Yes
410. Goshen	IN	Yes		
411. Greencastle	IN	Yes	Yes	Yes
412. Greenfield	IN	Yes	Yes	
413. Greensburg	IN	Yes	Yes	
414. Greenwood	IN	Yes		
415. Hancock County ⁺	IN	Yes	Yes	Yes
416. Henry County ⁺	IN	Yes	Yes	
417. Indianapolis/Marion County ⁺ (except the cities of Beech Grove, Lawrence, Southport, and Speedway)	IN	Yes	Yes	Yes
418. Jeffersonville	IN	Yes	Yes	
419. Kokomo	IN	Yes	Yes	
420. Lawrence	IN	Yes	Yes	Yes
421. Madison	IN	Yes	Yes	
422. Monroe County ⁺	IN	Yes	Yes	Yes
423. Plainfield	IN	Yes	Yes	Yes
424. Seymour	IN	Yes	Yes	
425. Shelbyville	IN	Yes		
426. Speedway	IN	Yes	Yes	
427. Terre Haute	IN	Yes	Yes	Yes
428. Valparaiso	IN	Yes		
429. Vanderburgh County ⁺ (except the city of Evansville)	IN	Yes	Yes	Yes
430. Vigo County ⁺	IN	Yes	Yes	Yes
431. West Lafayette	IN	Yes	Yes	Yes
432. Westfield	IN	Yes		
433. Whitestown	IN	Yes		
434. Zionsville	IN	Yes	Yes	Yes
435. Abilene	KS		Yes	

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
436.	Bel Aire	KS		Yes	Yes
437.	Derby	KS	Yes	Yes	Yes
438.	Emporia	KS		Yes	Yes
439.	Eudora	KS	Yes	Yes	Yes
440.	Fairway	KS	Yes	Yes	Yes
441.	Garden City	KS		Yes	Yes
442.	Harvey County	KS	Yes	Yes	Yes
443.	Hesston	KS	Yes	Yes	Yes
444.	Iola	KS	Yes	Yes	Yes
445.	Johnson County	KS		Yes	Yes
446.	Kansas City/Wyandotte County ⁺	KS	Yes	Yes	Yes
447.	Lawrence	KS		Yes	Yes
448.	Leawood	KS	Yes	Yes	Yes
449.	Lenexa	KS	Yes	Yes	Yes
450.	Maize	KS		Yes	Yes
451.	Manhattan	KS	Yes	Yes	Yes
452.	Merriam	KS	Yes	Yes	Yes
453.	Mission	KS	Yes	Yes	Yes
454.	Newton	KS	Yes	Yes	Yes
455.	North Newton	KS	Yes	Yes	Yes
456.	Olathe	KS	Yes	Yes	Yes
457.	Ottawa	KS		Yes	
458.	Overland Park	KS	Yes	Yes	Yes
459.	Park City	KS	Yes	Yes	Yes
460.	Prairie Village	KS	Yes	Yes	Yes
461.	Pratt	KS	Yes		
462.	Pratt County	KS	Yes	Yes	Yes
463.	Roeland Park	KS	Yes	Yes	Yes
464.	Salina	KS	Yes	Yes	Yes
465.	Shawnee	KS	Yes		
466.	Topeka	KS	Yes	Yes	Yes
467.	Valley Center	KS	Yes	Yes	Yes
468.	Walton	KS		Yes	Yes
469.	Westwood	KS	Yes	Yes	Yes
470.	Winfield	KS		Yes	Yes
471.	Ashland	KY	Yes	Yes	Yes
472.	Bardstown	KY	Yes	Yes	Yes
473.	Berea	KY	Yes	Yes	Yes
474.	Bowling Green	KY	Yes	Yes	Yes
475.	Campbellsville	KY	Yes	Yes	Yes
476.	Corbin	KY	Yes	Yes	Yes
477.	Danville	KY	Yes	Yes	Yes
478.	Elizabethtown	KY	Yes	Yes	Yes
479.	Frankfort	KY		Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
480.	Franklin County	KY		Yes	Yes
481.	Georgetown	KY	Yes	Yes	Yes
482.	Glasgow	KY		Yes	Yes
483.	Hardin County	KY	Yes	Yes	Yes
484.	Henderson	KY	Yes		
485.	Kenton County ⁺	KY	Yes		
486.	Letcher County ⁺	KY		Yes	
487.	Lexington/Fayette County ⁺	KY	Yes	Yes	Yes
488.	London	KY	Yes	Yes	Yes
489.	Louisville/Jefferson County ⁺	KY	Yes	Yes	Yes
490.	Manchester	KY	Yes	Yes	Yes
491.	Middlesborough	KY	Yes	Yes	N/A [^]
492.	Midway	KY	Yes	Yes	Yes
493.	Morehead	KY	Yes	Yes	Yes
494.	Oldham County ⁺	KY		Yes	
495.	Owensboro	KY		Yes	Yes
496.	Paducah	KY		Yes	Yes
497.	Paintsville	KY		Yes	
498.	Pikeville	KY		Yes	
499.	Prestonsburg	KY	Yes	Yes	Yes
500.	Radcliff	KY	Yes	Yes	Yes
501.	Richmond	KY	Yes	Yes	Yes
502.	Somerset	KY	Yes	Yes	Yes
503.	Versailles	KY	Yes	Yes	Yes
504.	Williamsburg	KY	Yes	Yes	Yes
505.	Woodford County	KY	Yes	Yes	Yes
506.	Abbeville	LA	Yes	Yes	Yes
507.	Alexandria	LA	Yes	Yes	Yes
508.	Cheneyville	LA	Yes	Yes	Yes
509.	Gibbsland	LA	Yes		
510.	Grambling	LA	Yes		
511.	Hammond	LA	Yes	Yes	Yes
512.	Lafayette	LA	Yes		
513.	Lafayette Parish ⁺	LA	Yes		
514.	Lake Charles	LA	Yes	Yes	
515.	Mandeville	LA	Yes		
516.	Monroe	LA	Yes	Yes	Yes
517.	New Orleans	LA	Yes	Yes	Yes
518.	Ouachita Parish	LA	Yes	Yes	Yes
519.	Sulphur	LA	Yes	Yes	
520.	West Monroe	LA	Yes	Yes	Yes
521.	Woodworth	LA	Yes	Yes	Yes
522.	Abington	MA	Yes	Yes	Yes
523.	Acton	MA	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
524.	Acushnet	MA		Yes	
525.	Adams	MA	Yes	Yes	Yes
526.	Amherst	MA	Yes	Yes	Yes
527.	Andover	MA	Yes	Yes	Yes
528.	Aquinnah	MA	Yes		
529.	Arlington	MA	Yes	Yes	Yes
530.	Ashland	MA	Yes		
531.	Auburn	MA	Yes	Yes	Yes
532.	Barnstable	MA		Yes	Yes
533.	Barre	MA		Yes	Yes
534.	Belchertown	MA		Yes	Yes
535.	Bellingham	MA		Yes	
536.	Belmont	MA	Yes	Yes	Yes
537.	Beverly	MA	Yes	Yes	Yes
538.	Billerica	MA	Yes	Yes	Yes
539.	Bolton	MA	Yes	Yes	Yes
540.	Boston	MA	Yes	Yes	Yes
541.	Bourne	MA	Yes	Yes	Yes
542.	Braintree	MA	Yes	Yes	Yes
543.	Brewster	MA	Yes	Yes	Yes
544.	Bridgewater	MA	Yes	Yes	Yes
545.	Brimfield	MA	Yes	Yes	Yes
546.	Brookline	MA	Yes	Yes	
547.	Buckland	MA	Yes	Yes	Yes
548.	Cambridge	MA	Yes	Yes	Yes
549.	Canton	MA	Yes	Yes	Yes
550.	Carver	MA	Yes	Yes	Yes
551.	Charlemont	MA	Yes	Yes	Yes
552.	Chatham	MA	Yes	Yes	Yes
553.	Chelmsford	MA	Yes	Yes	Yes
554.	Chelsea	MA	Yes	Yes	Yes
555.	Chilmark	MA	Yes	Yes	Yes
556.	Cohasset	MA	Yes	Yes	Yes
557.	Concord	MA		Yes	Yes
558.	Danvers	MA	Yes	Yes	Yes
559.	Dartmouth	MA	Yes	Yes	Yes
560.	Dedham	MA	Yes	Yes	Yes
561.	Deerfield	MA	Yes	Yes	Yes
562.	Dover	MA		Yes	Yes
563.	Dracut	MA	Yes	Yes	Yes
564.	Duxbury	MA	Yes	Yes	Yes
565.	Eastham	MA	Yes	Yes	Yes
566.	Easthampton	MA	Yes	Yes	Yes
567.	Easton	MA		Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
568. Edgartown	MA	Yes	Yes	Yes
569. Egremont	MA	Yes	Yes	Yes
570. Essex	MA	Yes	Yes	Yes
571. Everett	MA	Yes	Yes	Yes
572. Fairhaven	MA	Yes	Yes	Yes
573. Falmouth	MA	Yes	Yes	Yes
574. Foxborough	MA	Yes	Yes	Yes
575. Framingham	MA	Yes	Yes	Yes
576. Franklin	MA	Yes	Yes	Yes
577. Freetown	MA	Yes	Yes	Yes
578. Gill	MA	Yes	Yes	Yes
579. Gloucester	MA	Yes	Yes	Yes
580. Grafton	MA	Yes	Yes	Yes
581. Granby	MA	Yes	Yes	Yes
582. Great Barrington	MA	Yes	Yes	Yes
583. Greenfield	MA	Yes	Yes	Yes
584. Halifax	MA	Yes	Yes	Yes
585. Hamilton	MA	Yes	Yes	Yes
586. Hancock	MA	Yes	Yes	Yes
587. Hatfield	MA	Yes	Yes	Yes
588. Haverhill	MA	Yes	Yes	Yes
589. Hingham	MA	Yes	Yes	Yes
590. Holbrook	MA	Yes		
591. Holliston	MA	Yes	Yes	Yes
592. Holyoke	MA	Yes		
593. Hopedale	MA	Yes	Yes	Yes
594. Hopkinton	MA		Yes	Yes
595. Hubbardston	MA		Yes	Yes
596. Hudson	MA	Yes	Yes	Yes
597. Hull	MA	Yes	Yes	Yes
598. Lancaster	MA	Yes	Yes	Yes
599. Lawrence	MA	Yes	Yes	Yes
600. Lee	MA	Yes	Yes	Yes
601. Leicester	MA	Yes	Yes	Yes
602. Lenox	MA	Yes	Yes	Yes
603. Leominster	MA	Yes	Yes	Yes
604. Leverett	MA	Yes	Yes	Yes
605. Lexington	MA	Yes	Yes	Yes
606. Lincoln	MA	Yes	Yes	Yes
607. Littleton	MA		Yes	Yes
608. Lynn	MA	Yes	Yes	Yes
609. Lynnfield	MA	Yes	Yes	Yes
610. Marblehead	MA	Yes	Yes	Yes
611. Marion	MA	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
612.	Marlborough	MA	Yes	Yes	Yes
613.	Marshfield	MA	Yes	Yes	Yes
614.	Mashpee	MA	Yes	Yes	Yes
615.	Maynard	MA		Yes	Yes
616.	Medfield	MA	Yes	Yes	Yes
617.	Medford	MA	Yes	Yes	Yes
618.	Medway	MA	Yes	Yes	Yes
619.	Melrose	MA		Yes	Yes
620.	Methuen	MA	Yes	Yes	Yes
621.	Middleton	MA	Yes	Yes	Yes
622.	Millville	MA	Yes	Yes	Yes
623.	Milton	MA	Yes	Yes	Yes
624.	Montague	MA	Yes	Yes	Yes
625.	Monterey	MA	Yes	Yes	Yes
626.	Nantucket	MA	Yes	Yes	Yes
627.	Natick	MA	Yes	Yes	Yes
628.	Needham	MA	Yes	Yes	Yes
629.	New Bedford	MA	Yes	Yes	Yes
630.	New Braintree	MA		Yes	Yes
631.	Newburyport	MA	Yes	Yes	Yes
632.	Norfolk	MA		Yes	Yes
633.	North Adams	MA	Yes		
634.	North Andover	MA	Yes	Yes	Yes
635.	North Reading	MA	Yes	Yes	Yes
636.	Northampton	MA	Yes	Yes	Yes
637.	Northborough	MA	Yes	Yes	Yes
638.	Norton	MA		Yes	Yes
639.	Norwood	MA	Yes	Yes	Yes
640.	Oak Bluffs	MA	Yes	Yes	Yes
641.	Orange	MA	Yes	Yes	Yes
642.	Orleans	MA	Yes	Yes	Yes
643.	Oxford	MA	Yes	Yes	Yes
644.	Peabody	MA	Yes	Yes	Yes
645.	Pittsfield	MA	Yes	Yes	Yes
646.	Plymouth	MA		Yes	Yes
647.	Provincetown	MA	Yes	Yes	Yes
648.	Quincy	MA	Yes	Yes	Yes
649.	Reading	MA	Yes	Yes	Yes
650.	Revere	MA	Yes	Yes	Yes
651.	Richmond	MA	Yes	Yes	Yes
652.	Rockport	MA	Yes	Yes	Yes
653.	Salem	MA	Yes	Yes	Yes
654.	Sandwich	MA	Yes	Yes	Yes
655.	Saugus	MA	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
656.	Scituate	MA		Yes	Yes
657.	Sharon	MA	Yes	Yes	Yes
658.	Shelburne	MA	Yes	Yes	Yes
659.	Sherborn	MA	Yes	Yes	Yes
660.	Somerset	MA	Yes	Yes	Yes
661.	Somerville	MA	Yes	Yes	Yes
662.	South Hadley	MA	Yes	Yes	Yes
663.	Southborough	MA		Yes	Yes
664.	Southbridge	MA	Yes	Yes	Yes
665.	Sterling	MA		Yes	Yes
666.	Stockbridge	MA	Yes	Yes	Yes
667.	Stoneham	MA		Yes	Yes
668.	Sudbury	MA	Yes		
669.	Sunderland	MA	Yes	Yes	Yes
670.	Sutton	MA	Yes	Yes	Yes
671.	Swansea	MA	Yes	Yes	Yes
672.	Tewksbury	MA	Yes	Yes	Yes
673.	Tisbury	MA	Yes	Yes	Yes
674.	Truro	MA	Yes	Yes	Yes
675.	Tyngsborough	MA	Yes	Yes	Yes
676.	Tyringham	MA	Yes	Yes	Yes
677.	Wakefield	MA	Yes	Yes	Yes
678.	Walpole	MA	Yes	Yes	Yes
679.	Wareham	MA		Yes	Yes
680.	Watertown	MA	Yes	Yes	Yes
681.	Wayland	MA	Yes	Yes	Yes
682.	Webster	MA	Yes	Yes	Yes
683.	Wellesley	MA		Yes	
684.	Wellfleet	MA		Yes	Yes
685.	Wendell	MA	Yes	Yes	Yes
686.	West Springfield	MA	Yes	Yes	Yes
687.	West Tisbury	MA	Yes	Yes	
688.	Westford	MA	Yes	Yes	Yes
689.	Westport	MA	Yes	Yes	Yes
690.	Westwood	MA	Yes	Yes	Yes
691.	Weymouth	MA	Yes	Yes	Yes
692.	Whately	MA	Yes	Yes	Yes
693.	Williamstown	MA	Yes	Yes	Yes
694.	Winchendon	MA		Yes	
695.	Winchester	MA	Yes	Yes	Yes
696.	Winthrop	MA	Yes	Yes	Yes
697.	Woburn	MA		Yes	
698.	Wrentham	MA	Yes	Yes	Yes
699.	Yarmouth	MA	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
700.	Baltimore	MD	Yes	Yes	Yes
701.	Charles County	MD		Yes	
702.	Gaithersburg	MD		Yes	
703.	Howard County	MD	Yes	Yes	Yes
704.	Kensington	MD		Yes	Yes
705.	La Plata	MD		Yes	Yes
706.	Montgomery County	MD		Yes	Yes
707.	Prince George's County ⁺	MD		Yes	Yes
708.	Rockville	MD		Yes	Yes
709.	Takoma Park	MD		Yes	Yes
710.	Talbot County ⁺	MD		Yes	
711.	Portland	ME		Yes	Yes
712.	Alger County ⁺	MI	Yes		
713.	Baraga County ⁺	MI	Yes		
714.	Benzie County ⁺	MI	Yes		
715.	Berrien County ⁺	MI	Yes		
716.	Calhoun County ⁺	MI	Yes		
717.	Detroit	MI	Yes		
718.	Gogebic County ⁺	MI	Yes		
719.	Grand Rapids	MI	Yes		
720.	Houghton County ⁺	MI	Yes		
721.	Leelanau County ⁺	MI	Yes		
722.	Lenawee County ⁺	MI	Yes		
723.	Mackinac County ⁺	MI	Yes		
724.	Marquette	MI	Yes		
725.	Marquette County ⁺	MI	Yes		
726.	Midland County ⁺	MI	Yes		
727.	Muskegon County ⁺	MI	Yes		
728.	Ottawa County ⁺	MI	Yes		
729.	Schoolcraft County ⁺	MI	Yes		
730.	St. Clair County ⁺	MI	Yes		
731.	Traverse City	MI	Yes		
732.	Washtenaw County ⁺	MI	Yes		
733.	Austin	MN	Yes	Yes	Yes
734.	Beltrami County ⁺	MN	Yes	Yes	Yes
735.	Bloomington	MN	Yes	Yes	Yes
736.	Carlton County ⁺	MN	Yes	Yes	Yes
737.	Cottage Grove	MN	Yes	Yes	Yes
738.	Duluth	MN	Yes	Yes	Yes
739.	Eden Prairie	MN	Yes	Yes	Yes
740.	Edina	MN	Yes	Yes	Yes
741.	Golden Valley	MN	Yes	Yes	Yes
742.	Hennepin County ⁺	MN	Yes	Yes	Yes
743.	Hutchinson	MN	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
744. Isanti	MN	Yes	Yes	Yes
745. Lake County	MN	Yes	Yes	Yes
746. Lakeville	MN	Yes	Yes	Yes
747. Mankato	MN	Yes	Yes	Yes
748. Marshall County ⁺	MN	Yes	Yes	Yes
749. McLeod County ⁺	MN	Yes		
750. Minneapolis	MN	Yes	Yes	Yes
751. Moorhead	MN	Yes		
752. Olmsted County ⁺	MN	Yes	Yes	Yes
753. Orono	MN	Yes	Yes	Yes
754. Richfield	MN	Yes	Yes	Yes
755. Savage	MN	Yes	Yes	Yes
756. St. Anthony	MN	Yes	Yes	Yes
757. St. Paul	MN		Yes	Yes
758. White Bear Lake	MN	Yes	Yes	Yes
759. Ballwin	MO	Yes	Yes	Yes
760. Belton	MO	Yes	Yes	Yes
761. Blue Springs	MO	Yes		
762. Branson	MO	Yes	Yes	N/A [^]
763. Brentwood	MO	Yes	Yes	Yes
764. Chillicothe	MO		Yes	Yes
765. Clayton	MO	Yes	Yes	N/A [^]
766. Clinton	MO	Yes	Yes	Yes
767. Columbia	MO		Yes	Yes
768. Creve Coeur	MO	Yes	Yes	Yes
769. Excelsior Springs	MO	Yes	Yes	Yes
770. Farmington	MO	Yes	Yes	Yes
771. Fulton	MO	Yes	Yes	Yes
772. Gainesville	MO		Yes	Yes
773. Gladstone	MO	Yes		
774. Grandview	MO	Yes	Yes	Yes
775. Hannibal	MO	Yes	Yes	Yes
776. Hazelwood	MO	Yes	Yes	
777. Independence	MO	Yes	Yes	Yes
778. Jefferson City	MO	Yes	Yes	Yes
779. Kansas City	MO	Yes	Yes	Yes
780. Kearney	MO	Yes	Yes	Yes
781. Kennett	MO	Yes	Yes	Yes
782. Kirksville	MO		Yes	Yes
783. Kirkwood	MO	Yes	Yes	Yes
784. Lake Saint Louis	MO	Yes	Yes	Yes
785. Lee's Summit	MO	Yes	Yes	Yes
786. Liberty	MO	Yes	Yes	Yes
787. Maryville	MO	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
788.	Nixa	MO		Yes	
789.	North Kansas City	MO	Yes	Yes	Yes
790.	O'Fallon	MO	Yes	Yes	Yes
791.	Parkville	MO	Yes		
792.	Raymore	MO	Yes		
793.	Rolla	MO	Yes	Yes	Yes
794.	Sedalia	MO	Yes	Yes	Yes
795.	Springfield	MO	Yes	Yes	Yes
796.	St. Joseph	MO	Yes	Yes	Yes
797.	St. Louis	MO	Yes	Yes	Yes
798.	St. Louis County ⁺	MO	Yes	Yes	
799.	Warrensburg	MO	Yes	Yes	Yes
800.	Washington	MO	Yes	Yes	Yes
801.	Aberdeen	MS		Yes	Yes
802.	Amory	MS	Yes	Yes	Yes
803.	Anguilla	MS	Yes	Yes	Yes
804.	Arcola	MS	Yes	Yes	Yes
805.	Baldwyn	MS	Yes	Yes	Yes
806.	Bassfield	MS	Yes	Yes	Yes
807.	Batesville	MS		Yes	Yes
808.	Belzoni	MS	Yes	Yes	Yes
809.	Beulah	MS	Yes	Yes	Yes
810.	Booneville	MS	Yes	Yes	N/A [^]
811.	Brandon	MS	Yes	Yes	Yes
812.	Brooksville	MS	Yes	Yes	Yes
813.	Bruce	MS	Yes	Yes	Yes
814.	Byram	MS	Yes	Yes	Yes
815.	Calhoun City	MS	Yes	Yes	Yes
816.	Canton	MS	Yes	Yes	Yes
817.	Cary	MS	Yes	Yes	Yes
818.	Centreville	MS	Yes	Yes	Yes
819.	Clarksdale	MS	Yes	Yes	Yes
820.	Clinton	MS		Yes	Yes
821.	Coahoma County	MS	Yes	Yes	Yes
822.	Coldwater	MS	Yes		
823.	Collins	MS	Yes	Yes	Yes
824.	Corinth	MS	Yes	Yes	N/A [^]
825.	Courtland	MS	Yes	Yes	Yes
826.	Crawford	MS	Yes	Yes	Yes
827.	Crystal Springs	MS	Yes	Yes	Yes
828.	Diamondhead	MS	Yes	Yes	
829.	Duck Hill	MS	Yes	Yes	Yes
830.	Duncan	MS	Yes	Yes	Yes
831.	Durant	MS	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
832. Ecu	MS		Yes	Yes
833. Ethel	MS	Yes	Yes	Yes
834. Farmington	MS	Yes	Yes	Yes
835. Fayette	MS	Yes	Yes	Yes
836. Flora	MS	Yes	Yes	Yes
837. Flowood	MS	Yes	Yes	
838. Forest	MS	Yes	Yes	Yes
839. Friars Point	MS	Yes	Yes	Yes
840. Georgetown	MS	Yes	Yes	Yes
841. Goodman	MS	Yes	Yes	
842. Greenwood	MS	Yes	Yes	Yes
843. Grenada	MS		Yes	Yes
844. Gulfport	MS	Yes	Yes	
845. Hattiesburg	MS	Yes	Yes	Yes
846. Hernando	MS	Yes	Yes	Yes
847. Hollandale	MS	Yes	Yes	Yes
848. Holly Springs	MS	Yes	Yes	Yes
849. Indianola	MS	Yes	Yes	Yes
850. Isola	MS	Yes	Yes	Yes
851. Itta Bena	MS	Yes	Yes	Yes
852. Iuka	MS	Yes	Yes	Yes
853. Jackson	MS	Yes	Yes	Yes
854. Jonestown	MS	Yes	Yes	Yes
855. Kosciusko	MS	Yes	Yes	Yes
856. Laurel	MS	Yes	Yes	Yes
857. Louisville	MS	Yes	Yes	Yes
858. Lucedale	MS	Yes	Yes	Yes
859. Lumberton	MS	Yes	Yes	Yes
860. Macon	MS	Yes	Yes	Yes
861. Madison	MS	Yes	Yes	Yes
862. Magee	MS	Yes	Yes	Yes
863. Mantachie	MS	Yes	Yes	Yes
864. Mayersville	MS	Yes	Yes	Yes
865. Mendenhall	MS	Yes	Yes	Yes
866. Meridian	MS	Yes	Yes	Yes
867. Metcalfe	MS	Yes	Yes	Yes
868. Monticello	MS		Yes	Yes
869. Moorhead	MS	Yes	Yes	Yes
870. Morton	MS	Yes	Yes	Yes
871. Moss Point	MS	Yes	Yes	Yes
872. Nettleton	MS	Yes	Yes	Yes
873. New Albany	MS	Yes	Yes	Yes
874. New Augusta	MS	Yes	Yes	Yes
875. Noxapater	MS	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
876.	Okolona	MS	Yes	Yes	Yes
877.	Oxford	MS		Yes	Yes
878.	Pascagoula	MS		Yes	Yes
879.	Pearl	MS		Yes	
880.	Petal	MS	Yes	Yes	Yes
881.	Picayune	MS	Yes	Yes	Yes
882.	Pickens	MS	Yes	Yes	Yes
883.	Pittsboro	MS	Yes	Yes	Yes
884.	Plantersville	MS	Yes	Yes	Yes
885.	Pontotoc	MS		Yes	Yes
886.	Poplarville	MS	Yes	Yes	N/A^
887.	Prentiss	MS	Yes	Yes	Yes
888.	Ridgeland	MS	Yes	Yes	Yes
889.	Rienzi	MS		Yes	
890.	Rolling Fork	MS	Yes	Yes	Yes
891.	Saltillo	MS	Yes	Yes	Yes
892.	Senatobia	MS	Yes	Yes	Yes
893.	Shuqualak	MS	Yes	Yes	Yes
894.	Sidon	MS	Yes	Yes	Yes
895.	Sledge	MS	Yes	Yes	Yes
896.	Southaven	MS	Yes	Yes	Yes
897.	Starkville	MS	Yes	Yes	Yes
898.	State Line	MS	Yes	Yes	Yes
899.	Sumner	MS	Yes	Yes	Yes
900.	Sumrall	MS	Yes	Yes	Yes
901.	Tupelo	MS	Yes	Yes	Yes
902.	Tutwiler	MS	Yes	Yes	Yes
903.	Vaiden	MS		Yes	
904.	Verona	MS	Yes	Yes	Yes
905.	Walls	MS	Yes	Yes	
906.	Walnut	MS	Yes	Yes	Yes
907.	Walnut Grove	MS	Yes	Yes	Yes
908.	Weir	MS	Yes	Yes	Yes
909.	Wesson	MS	Yes	Yes	Yes
910.	West	MS	Yes		
911.	Wiggins	MS	Yes	Yes	Yes
912.	Woodville	MS	Yes	Yes	Yes
913.	Bozeman	MT	Yes	Yes	
914.	Helena	MT	Yes	Yes	Yes
915.	Boone	NC		Yes	Yes
916.	Garland	NC		Yes	Yes
917.	Montreat	NC	Yes		
918.	Orange County ⁺	NC		Yes	Yes
919.	Bismarck	ND	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
920.	Cavalier	ND	Yes	Yes	Yes
921.	Devils Lake	ND	Yes	Yes	Yes
922.	Dickinson	ND	Yes	Yes	Yes
923.	Fargo	ND	Yes	Yes	Yes
924.	Grafton	ND	Yes		
925.	Grand Forks	ND	Yes	Yes	Yes
926.	Linton	ND	Yes	Yes	Yes
927.	Lisbon	ND	Yes	Yes	Yes
928.	Munich	ND	Yes	Yes	Yes
929.	Napoleon	ND	Yes	Yes	Yes
930.	Pembina	ND	Yes	Yes	Yes
931.	Walhalla	ND	Yes	Yes	Yes
932.	West Fargo	ND	Yes	Yes	Yes
933.	Williston	ND	Yes	Yes	Yes
934.	Grand Island	NE	Yes	Yes	Yes
935.	Humboldt	NE	Yes	Yes	Yes
936.	Lincoln	NE	Yes	Yes	Yes
937.	Atlantic City	NJ	Yes	Yes	Yes
938.	Highland Park Borough	NJ	Yes		
939.	Holmdel Township	NJ	Yes		
940.	Livingston Township	NJ	Yes		
941.	Manville Borough	NJ	Yes		
942.	Newark	NJ	Yes	Yes	Yes
943.	Alamogordo	NM		Yes	Yes
944.	Albuquerque	NM	Yes	Yes	Yes
945.	Bayard	NM	Yes	Yes	Yes
946.	Carlsbad	NM	Yes		
947.	Curry County	NM		Yes	Yes
948.	Dona Ana County	NM	Yes	Yes	Yes
949.	Edgewood	NM	Yes	Yes	Yes
950.	Elephant Butte	NM		Yes	Yes
951.	Espanola	NM	Yes	Yes	Yes
952.	Farmington	NM		Yes	Yes
953.	Gallup	NM		Yes	Yes
954.	Las Cruces	NM		Yes	Yes
955.	Los Lunas	NM		Yes	Yes
956.	Magdalena	NM		Yes	Yes
957.	Mesilla	NM	Yes	Yes	Yes
958.	Portales	NM		Yes	Yes
959.	Rio Rancho	NM		Yes	Yes
960.	Roswell	NM		Yes	Yes
961.	Santa Clara	NM	Yes	Yes	
962.	Santa Fe	NM	Yes	Yes	Yes
963.	Taos	NM		Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
964. Tucumcari	NM		Yes	Yes
965. Dutchess County ⁺	NY	Yes	Yes	
966. Lee	NY	Yes	Yes	Yes
967. Nassau County ⁺	NY	Yes	Yes	Yes
968. New York City	NY	Yes	Yes	Yes
969. Suffolk County ⁺	NY	Yes	Yes	Yes
970. Tompkins County ⁺	NY	Yes	Yes	Yes
971. Westchester County ⁺	NY	Yes	Yes	Yes
972. Bexley	OH	Yes	Yes	Yes
973. Centerville	OH	Yes		
974. Columbus	OH	Yes	Yes	Yes
975. Dublin	OH	Yes	Yes	Yes
976. Findlay	OH	Yes		
977. Gahanna	OH	Yes	Yes	Yes
978. Grandview Heights	OH	Yes	Yes	Yes
979. Granville	OH	Yes	Yes	Yes
980. Heath	OH	Yes	Yes	Yes
981. Hilliard	OH	Yes		
982. Marble Cliff	OH	Yes	Yes	Yes
983. New Albany	OH	Yes	Yes	Yes
984. Newark	OH	Yes		
985. Oberlin	OH	Yes	Yes	Yes
986. Powell	OH	Yes	Yes	Yes
987. Summit County ⁺	OH	Yes	Yes	Yes
988. Upper Arlington	OH	Yes	Yes	Yes
989. Westerville	OH	Yes	Yes	Yes
990. Worthington	OH	Yes	Yes	Yes
991. Baker City	OR	Yes		
992. Benton County	OR	Yes	Yes	Yes
993. Central Point	OR	Yes		
994. Corvallis	OR	Yes	Yes	Yes
995. Cottage Grove	OR	Yes	Yes	Yes
996. Dallas	OR	Yes	Yes	Yes
997. Eugene	OR	Yes	Yes	Yes
998. Independence	OR	Yes	Yes	Yes
999. Manzanita	OR	Yes		
1000. Philomath	OR	Yes	Yes	Yes
1001. Rockaway Beach	OR	Yes		
1002. St. Helens	OR	Yes		
1003. Tillamook	OR	Yes		
1004. Tillamook County	OR	Yes		
1005. Tualatin	OR	Yes		
1006. Wheeler	OR	Yes		
1007. Philadelphia	PA		Yes	

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1008. Aiken	SC	Yes	Yes	Yes
1009. Aiken County ⁺ (except the cities of Aiken and North Augusta)	SC	Yes	Yes	Yes
1010. Atlantic Beach	SC		Yes	Yes
1011. Beaufort	SC	Yes	Yes	Yes
1012. Beaufort County	SC	Yes	Yes	Yes
1013. Camden	SC	Yes	Yes	Yes
1014. Cayce	SC	Yes	Yes	Yes
1015. Chapin	SC	Yes	Yes	Yes
1016. Charleston	SC		Yes	Yes
1017. Charleston County	SC		Yes	Yes
1018. Chesnee	SC	Yes	Yes	Yes
1019. Clemson	SC		Yes	Yes
1020. Clinton	SC	Yes	Yes	Yes
1021. Colleton County ⁺	SC	Yes	Yes	Yes
1022. Columbia	SC	Yes	Yes	Yes
1023. Denmark	SC	Yes	Yes	Yes
1024. Duncan	SC		Yes	Yes
1025. Easley	SC	Yes	Yes	Yes
1026. Edisto Beach	SC	Yes	Yes	Yes
1027. Estill	SC	Yes	Yes	Yes
1028. Florence	SC		Yes	Yes
1029. Fort Mill	SC	Yes	Yes	Yes
1030. Goose Creek	SC	Yes	Yes	Yes
1031. Greenville	SC	Yes	Yes	Yes
1032. Hampton	SC	Yes	Yes	Yes
1033. Hartsville	SC	Yes	Yes	Yes
1034. Heath Springs	SC	Yes	Yes	Yes
1035. Hilton Head Island	SC		Yes	Yes
1036. Hollywood	SC	Yes	Yes	Yes
1037. Inman	SC	Yes	Yes	Yes
1038. Isle of Palms	SC		Yes	Yes
1039. Kershaw	SC	Yes	Yes	Yes
1040. Lancaster	SC	Yes	Yes	Yes
1041. Lancaster County	SC	Yes	Yes	Yes
1042. Lexington	SC	Yes	Yes	Yes
1043. Lexington County	SC	Yes	Yes	Yes
1044. Liberty	SC		Yes	
1045. Mount Pleasant	SC		Yes	Yes
1046. North Augusta	SC	Yes	Yes	Yes
1047. North Myrtle Beach	SC	Yes	Yes	Yes
1048. Pendleton	SC		Yes	Yes
1049. Pickens	SC		Yes	Yes
1050. Pine Ridge	SC	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1051. Quinby	SC		Yes	Yes
1052. Ravenel	SC		Yes	Yes
1053. Richland County	SC	Yes	Yes	Yes
1054. Rock Hill	SC	Yes	Yes	Yes
1055. Simpsonville	SC	Yes	Yes	Yes
1056. South Congaree	SC	Yes	Yes	Yes
1057. Spartanburg	SC	Yes	Yes	Yes
1058. Springdale	SC	Yes	Yes	Yes
1059. Sullivan's Island	SC		Yes	Yes
1060. Summerville	SC		Yes	Yes
1061. Sumter	SC	Yes	Yes	Yes
1062. Surfside Beach	SC	Yes	Yes	Yes
1063. Timmonsville	SC		Yes	Yes
1064. Walterboro	SC	Yes	Yes	Yes
1065. West Columbia	SC	Yes	Yes	Yes
1066. West Pelzer	SC	Yes	Yes	Yes
1067. Yemassee	SC	Yes	Yes	Yes
1068. York County	SC	Yes	Yes	Yes
1069. Abilene	TX	Yes	Yes	Yes
1070. Alpine	TX			Yes
1071. Alton	TX	Yes	Yes	Yes
1072. Angleton	TX		Yes	
1073. Arlington	TX		Yes	
1074. Athens	TX	Yes		
1075. Austin	TX	Yes	Yes	Yes
1076. Baytown	TX	Yes	Yes	Yes
1077. Beaumont	TX	Yes	Yes	Yes
1078. Bedford	TX		Yes	
1079. Benbrook	TX	Yes	Yes	Yes
1080. Boerne	TX		Yes	
1081. Bonham	TX		Yes	Yes
1082. Brenham	TX		Yes	
1083. Brownsville	TX	Yes	Yes	Yes
1084. Burkburnett	TX	Yes	Yes	Yes
1085. Caldwell	TX	Yes		
1086. College Station	TX	Yes	Yes	Yes
1087. Conroe	TX	Yes	Yes	
1088. Copperas Cove	TX	Yes	Yes	Yes
1089. Corpus Christi	TX	Yes	Yes	Yes
1090. Dallas	TX	Yes	Yes	Yes
1091. Denton	TX	Yes	Yes	Yes
1092. Desoto	TX	Yes	Yes	Yes
1093. Duncanville	TX	Yes	Yes	Yes
1094. Eagle Pass	TX	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1095. Edinburg	TX	Yes	Yes	Yes
1096. El Lago	TX		Yes	Yes
1097. El Paso	TX	Yes	Yes	Yes
1098. Ennis	TX	Yes	Yes	Yes
1099. Flower Mound	TX	Yes	Yes	Yes
1100. Forney	TX		Yes	
1101. Fort Worth	TX	Yes	Yes	
1102. Frisco	TX	Yes	Yes	Yes
1103. Gainesville	TX	Yes		
1104. Galveston	TX	Yes		
1105. Granbury	TX	Yes	Yes	Yes
1106. Grand Prairie	TX		Yes	
1107. Harlingen	TX	Yes	Yes	Yes
1108. Hewitt	TX	Yes		
1109. Highland Village	TX	Yes	Yes	N/A^
1110. Horseshoe Bay	TX	Yes	Yes	Yes
1111. Houston	TX	Yes	Yes	Yes
1112. Humble	TX	Yes	Yes	
1113. Irving	TX	Yes		
1114. Joshua	TX	Yes	Yes	N/A^
1115. Kaufman	TX	Yes		
1116. Kerrville	TX			Yes
1117. Kilgore	TX	Yes		
1118. Killeen	TX	Yes	Yes	
1119. Laredo	TX	Yes	Yes	Yes
1120. Leander	TX	Yes		
1121. Lewisville	TX		Yes	Yes
1122. Lufkin	TX	Yes	Yes	Yes
1123. Marshall	TX	Yes	Yes	Yes
1124. McKinney	TX	Yes	Yes	Yes
1125. Mesquite	TX		Yes	Yes
1126. Missouri City	TX	Yes	Yes	Yes
1127. Nacogdoches	TX	Yes	Yes	Yes
1128. New Braunfels	TX	Yes		
1129. North Richland Hills	TX	Yes		
1130. Palestine	TX	Yes		
1131. Panorama Village	TX		Yes	Yes
1132. Paris	TX	Yes	Yes	
1133. Pasadena	TX	Yes	Yes	
1134. Patton Village	TX	Yes	Yes	N/A^
1135. Pearland	TX	Yes	Yes	Yes
1136. Plano	TX	Yes	Yes	Yes
1137. Portland	TX	Yes	Yes	N/A^
1138. Prosper	TX		Yes	

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1139. Richardson	TX	Yes		
1140. Robinson	TX	Yes	Yes	Yes
1141. Rockwall	TX		Yes	
1142. Rollingwood	TX		Yes	Yes
1143. Rosenberg	TX	Yes	Yes	
1144. Round Rock	TX	Yes	Yes	
1145. Rowlett	TX	Yes	Yes	Yes
1146. San Angelo	TX	Yes	Yes	Yes
1147. San Antonio	TX	Yes	Yes	Yes
1148. San Marcos	TX	Yes	Yes	Yes
1149. Seagoville	TX	Yes	Yes	Yes
1150. Sherman	TX		Yes	Yes
1151. Socorro	TX	Yes	Yes	Yes
1152. Southlake	TX	Yes	Yes	Yes
1153. Spring Valley	TX	Yes	Yes	Yes
1154. Stafford	TX	Yes		
1155. Sugar Land	TX	Yes	Yes	
1156. Sweeny	TX		Yes	
1157. Tyler	TX	Yes	Yes	Yes
1158. University Park	TX		Yes	Yes
1159. Vernon	TX	Yes	Yes	Yes
1160. Victoria	TX	Yes	Yes	Yes
1161. Waco	TX	Yes	Yes	Yes
1162. Waxahachie	TX	Yes	Yes	Yes
1163. Weatherford	TX		Yes	
1164. Wichita Falls	TX	Yes	Yes	Yes
1165. Woodway	TX	Yes	Yes	Yes
1166. Yoakum	TX	Yes		
1167. Davis County	UT	Yes	Yes	Yes
1168. Norfolk	VA		Yes	Yes
1169. Burlington	VT		Yes	Yes
1170. South Burlington	VT		Yes	Yes
1171. Williston	VT		Yes	Yes
1172. Winooski	VT		Yes	Yes
1173. Clark County ⁺	WA	Yes	Yes	Yes
1174. King County ⁺	WA	Yes	Yes	Yes
1175. Mason County	WA	Yes	Yes	Yes
1176. Mill Creek	WA	Yes	Yes	Yes
1177. Pasco	WA	Yes	Yes	Yes
1178. Pierce County ⁺	WA	Yes	Yes	Yes
1179. Tacoma	WA	Yes	Yes	Yes
1180. Appleton	WI	Yes	Yes	Yes
1181. Ashwaubenon	WI	Yes	Yes	Yes
1182. Beaver Dam	WI	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1183. Beloit	WI	Yes	Yes	Yes
1184. Big Bend	WI	Yes	Yes	Yes
1185. Brookfield	WI	Yes	Yes	Yes
1186. Cedarburg	WI	Yes	Yes	Yes
1187. Chippewa County ⁺	WI	Yes	Yes	Yes
1188. Dane County	WI	Yes	Yes	Yes
1189. De Pere	WI	Yes	Yes	Yes
1190. Eau Claire	WI	Yes	Yes	Yes
1191. Eau Claire County	WI	Yes	Yes	Yes
1192. Fennimore	WI	Yes	Yes	Yes
1193. Fitchburg	WI	Yes	Yes	Yes
1194. Florence County ⁺	WI	Yes	Yes	Yes
1195. Fond du Lac	WI	Yes	Yes	Yes
1196. Glendale	WI	Yes	Yes	Yes
1197. Green Bay	WI	Yes	Yes	Yes
1198. Greenfield	WI	Yes	Yes	Yes
1199. Hudson	WI	Yes	Yes	Yes
1200. Janesville	WI	Yes	Yes	Yes
1201. Jefferson County	WI	Yes	Yes	Yes
1202. Kenosha	WI	Yes	Yes	Yes
1203. La Crosse County	WI	Yes	Yes	Yes
1204. Lake Delton Village	WI	Yes	Yes	Yes
1205. Lincoln County	WI	Yes	Yes	Yes
1206. Madison	WI	Yes	Yes	Yes
1207. Marshfield	WI	Yes	Yes	Yes
1208. Menomonie	WI	Yes		
1209. Merrill	WI	Yes	Yes	Yes
1210. Middleton	WI	Yes	Yes	Yes
1211. Milwaukee	WI	Yes	Yes	Yes
1212. Monona	WI	Yes	Yes	Yes
1213. Neenah	WI	Yes	Yes	Yes
1214. North Hudson	WI	Yes	Yes	Yes
1215. Oak Creek	WI	Yes	Yes	Yes
1216. Onalaska	WI	Yes	Yes	Yes
1217. Oneida County ⁺	WI	Yes	Yes	Yes
1218. Park Ridge	WI		Yes	
1219. Portage	WI	Yes	Yes	Yes
1220. Prairie du Chien	WI	Yes	Yes	Yes
1221. Reedsburg	WI	Yes	Yes	Yes
1222. Rhineland	WI	Yes	Yes	Yes
1223. Shorewood	WI	Yes	Yes	Yes
1224. Shorewood Hills	WI	Yes	Yes	Yes
1225. Somerset	WI	Yes	Yes	Yes
1226. South Milwaukee	WI	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1227. Stevens Point	WI	Yes		
1228. Suamico	WI	Yes	Yes	Yes
1229. Verona	WI	Yes	Yes	Yes
1230. Watertown	WI	Yes	Yes	Yes
1231. Wausau	WI	Yes	Yes	Yes
1232. West Allis	WI	Yes	Yes	Yes
1233. Weston	WI	Yes	Yes	Yes
1234. Winnebago County	WI	Yes	Yes	Yes
1235. Wisconsin Dells	WI	Yes	Yes	Yes
1236. Wisconsin Rapids	WI	Yes	Yes	Yes
1237. Barbour County ⁺	WV	Yes	Yes	Yes
1238. Berkeley County ⁺	WV	Yes	Yes	Yes
1239. Boone County ⁺	WV	Yes		
1240. Braxton County ⁺	WV	Yes	Yes	Yes
1241. Brooke County ⁺	WV	Yes	Yes	Yes
1242. Cabell County ⁺	WV	Yes	Yes	Yes
1243. Calhoun County ⁺	WV	Yes	Yes	Yes
1244. Clay County ⁺	WV	Yes	Yes	
1245. Doddridge County ⁺	WV	Yes	Yes	Yes
1246. Fayette County ⁺	WV	Yes	Yes	
1247. Grant County ⁺	WV	Yes	Yes	Yes
1248. Greenbrier County ⁺	WV	Yes	Yes	Yes
1249. Hampshire County	WV	Yes	Yes	Yes
1250. Hancock County ⁺	WV	Yes	Yes	Yes
1251. Hardy County ⁺	WV	Yes		
1252. Harrison County ⁺	WV	Yes	Yes	Yes
1253. Jackson County ⁺	WV	Yes	Yes	Yes
1254. Jefferson County ⁺	WV	Yes		
1255. Kanawha County ⁺	WV	Yes	Yes	Yes
1256. Lewis County ⁺	WV	Yes	Yes	Yes
1257. Lincoln County ⁺	WV	Yes	Yes	Yes
1258. Marion County ⁺	WV	Yes	Yes	
1259. Marlinton	WV	Yes	Yes	Yes
1260. Marshall County ⁺	WV	Yes		
1261. Mason County	WV	Yes	Yes	Yes
1262. McDowell County ⁺	WV		Yes	
1263. Mercer County ⁺	WV	Yes	Yes	
1264. Mineral County ⁺	WV	Yes	Yes	Yes
1265. Mingo County ⁺	WV	Yes		
1266. Monongalia County ⁺	WV	Yes	Yes	Yes
1267. Monroe County ⁺	WV	Yes	Yes	Yes
1268. Morgan County ⁺	WV	Yes	Yes	
1269. Morgantown	WV	Yes	Yes	Yes
1270. Nicholas County ⁺	WV	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1271. Ohio County ⁺	WV	Yes	Yes	Yes
1272. Pendleton County ⁺	WV	Yes	Yes	Yes
1273. Pleasants County ⁺	WV	Yes	Yes	Yes
1274. Pocahontas County ⁺	WV	Yes	Yes	Yes
1275. Preston County ⁺	WV	Yes	Yes	Yes
1276. Raleigh County ⁺	WV	Yes		
1277. Randolph County ⁺	WV	Yes	Yes	Yes
1278. Ritchie County ⁺	WV	Yes	Yes	Yes
1279. Roane County ⁺	WV	Yes	Yes	Yes
1280. Summers County ⁺	WV	Yes	Yes	Yes
1281. Taylor County ⁺	WV	Yes	Yes	Yes
1282. Tucker County ⁺	WV	Yes	Yes	Yes
1283. Upshur County ⁺	WV	Yes	Yes	Yes
1284. Wayne County ⁺	WV	Yes		
1285. Webster County ⁺	WV	Yes	Yes	
1286. Wirt County ⁺	WV	Yes	Yes	Yes
1287. Wood County ⁺	WV	Yes	Yes	Yes
1288. Wyoming County ⁺	WV	Yes		
1289. Burlington	WY	Yes	Yes	Yes
1290. Casper	WY		Yes	Yes
1291. Cheyenne	WY		Yes	Yes
1292. Evanston	WY		Yes	Yes
1293. Laramie	WY		Yes	Yes
1294. Mountain View	WY	Yes	Yes	Yes
1295. Rock Springs	WY		Yes	

Total: 1295, in 41 states and the District of Columbia	By Provision:	1063	1128	1006
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[^]By law, some cities and counties do not have freestanding bars; in these instances, we have put an N/A in the Bars column.

⁺Law pertains to both incorporated and unincorporated areas of county.

Additional Summary Counts

Total Number of Municipalities that are 100% Smokefree in Workplaces, Restaurants, and Freestanding Bars	822
Total Number of Municipalities that are 100% Smokefree in Both Workplaces and Restaurants	900
Total Number of Municipalities that are 100% Smokefree in Both Restaurants and Freestanding Bars	1000

State, Territory, and Commonwealth Laws

- **American Samoa** Territory law, which prohibits smoking in restaurants, can be found in ASCA Title 13 Chapter 12 (2010), and covers all of that Territory.
- **Arizona** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in AZ Rev. Statutes §36-601.01 (2006), and covers all **88** municipalities in that state, including any listed here.

- **California** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming clubs, can be found in CA Labor Code §6404.5 (1994, 2016); and covers all **536** municipalities in that state, including any listed here.
- **Colorado** State law, which prohibits smoking in restaurants, bars, and gambling facilities, can be found in CO Rev. Statutes §25-14-201 et seq. (2006), and covers all **269** municipalities in that state, including any listed here.
- **Connecticut** State law, which prohibits smoking in restaurants, bars, and gambling facilities, can be found in CT Code §19a-342 (2003), and covers all **208** municipalities in that state, including any listed here.
- **District of Columbia** See table above.
- **Delaware** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in DE Statutes, Title 16, Ch. 29 §2901 et seq. (2002), and covers all **60** municipalities in that state, including any listed here.
- **Florida** State law, which prohibits smoking in enclosed workplaces, including restaurants and gambling facilities, can be found in the FL Constitution, Art. X, §20 (2002) and FL Statutes §386.201 et seq. (1999, 2003), and covers all **468** municipalities in that state, including any listed here.
- **Hawaii** State law, which prohibits smoking in enclosed and partially enclosed workplaces, including restaurants and bars, can be found in HI Rev. Statutes Ch. 328J (2006), and covers all **5** municipalities in that state, including any listed here.
- **Idaho** State law, which prohibits smoking in restaurants, can be found in ID Statutes, §39-5501 et seq. (2004), and covers all **202** municipalities in that state, including any listed here.
- **Louisiana** State law, which prohibits smoking in enclosed workplaces, including restaurants, can be found in LA Rev. Statutes §§40:1300.251 et seq., 40:1300.255, 40:1300.261 et seq. (2006), and covers all **302** municipalities in that state, including any listed here.
- **Illinois** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in IL Compiled Statutes, Chapter 410, §82/1 et seq. (2007), and covers all **1287** municipalities in that state, including any listed here.
- **Indiana** State law, which prohibits smoking in enclosed workplaces, including restaurants, can be found in IN Code §7.1-5-12-0.5 et seq. (2012), and covers all **567** municipalities in that state, including any listed here.
- **Iowa** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in IA Statutes §142D.1 et seq. (2008), and covers all **947** municipalities in that state, including any listed here.
- **Kansas** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in KS Statutes §§21-3105, 21-4009 et seq., 65-530 (2010), and covers all **627** municipalities in that state, including any listed here.
- **Maine** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in 22 ME Rev. Statutes §1541 et seq. (2003) and §1580-A (2005, 2009), and covers all **533** municipalities in that state, including any listed here.
- **Maryland** State law, which prohibits smoking in workplaces, including restaurants, bars, and gambling facilities, can be found in MD Code, Health Art. §24-501 et seq. (2007), and covers all **157** municipalities in that state, including any listed here.
- **Massachusetts** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in MA General Laws Chapter 270, §22. (2004), and covers all **351** municipalities in that state, including any listed here.
- **Michigan** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in MI Code Chapter 333, §§12601 et seq., 12905 (2009), and covers all **1777** municipalities in that state, including any listed here.
- **Minnesota** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in MN Statutes, §144.411 et seq. (2007), and covers all **2670** municipalities in that state, including any listed here.
- **Montana** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in MT Code §50-40-101 et seq. (2005), and covers all **129** municipalities in that state, including any listed here.
- **Nebraska** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in NE Revised Statutes §71-5716 et seq. (2008, 2009), and covers all **531** municipalities in that state, including any listed here.
- **Nevada** State law, which prohibits smoking in enclosed workplaces, including restaurants, can be found in NV Rev. Statutes Ch. 202 (2006), and covers all **19** municipalities in that state, including any listed here.

- **New Hampshire** State law, which prohibits smoking in restaurants and bars, can be found in NH Revised Statutes Ch. 155, §64 et seq. (2007), and covers all **234** municipalities in that state, including any listed here.
- **New Jersey** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in NJ Statutes §26:3D-55 et seq. (2006), and covers all **566** municipalities in that state, including any listed here. Gambling facilities, including racetracks, are smokefree, except for casino gaming areas and casino simulcasting facilities.
- **New Mexico** State law, which prohibits smoking in restaurants and bars, can be found in NMSA §24-16-1 et seq. (2007), and covers all **101** municipalities in that state, including any listed here.
- **New York** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in NY Public Health Code, Art. 13-E, §1399-N et seq. (2003), and covers all **1691** municipalities in that state, including any listed here.
- **North Carolina** State law, which prohibits smoking in restaurants and bars, can be found in NC General Statutes §§130A-22, 491 et seq. (2009), and covers all **540** municipalities in that state, including any listed here.
- **North Dakota** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in ND Century Code §23-12-09 et seq. (2012), and covers all **361** municipalities in that state, including any listed here.
- **Northern Mariana Islands** Commonwealth law, which prohibits smoking in all workplaces, can be found in Commonwealth Code Title 6, §3171 et seq. (2009), and covers all **4** municipalities in that Commonwealth, including any listed here.
- **Ohio** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in OH Rev. Statutes Ch. 3794 (2006), and covers all **942** municipalities in that state, including any listed here.
- **Oregon** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in OR Rev. Statutes §433.835 et. seq. (2007), and covers all **240** municipalities in that state, including any listed here.
- **Pennsylvania** State law, which prohibits smoking in enclosed workplaces, can be found in PA Act No. 27 of 2008 (2008), and covers all **2566** municipalities in that state, including any listed here.
- **Puerto Rico** Commonwealth law, which prohibits smoking in all workplaces, including restaurants, bars, and gambling facilities, can be found in Act No. 40 (1993), Act No. 66 (2006), and covers all **78** municipalities in that Commonwealth, including any listed here.
- **Rhode Island** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in RI General Laws, Title 23, Chapter 20.10 (2004), and covers all **39** municipalities in that state, including any listed here.
- **South Dakota** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in §34-46-13 et seq. (2009), and covers all **376** municipalities in that state, including any listed here.
- **U.S. Virgin Islands** Territory law, which prohibits smoking in all workplaces, including restaurants, bars, and gambling facilities, can be found in VI Code Title 19, Part VI, Ch. 53a (2010), and covers all of that Territory.
- **Utah** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in UT Code §26-38-1 et seq. (1994, 2006); Rule R392-510 (1996), and covers all **265** municipalities in that state, including any listed here.
- **Vermont** State law, which prohibits smoking in all workplaces, except in owner-occupied businesses which have no employees and are not open to the public, and all restaurants and bars, can be found in VT Statutes Title 18, Chapter 37 (1993, 2005); VT Statues Title 18, § 1421 et seq. (1987, 2009), and covers all **294** municipalities in that state, including any listed here.
- **Washington** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gambling facilities, can be found in Revised Code of WA §70.160.020 et seq. (2005), and covers all **280** municipalities in that state, including any listed here.
- **Wisconsin** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in WI Statutes §101.123 (2009), and covers all **1850** municipalities in that state, including any listed here.

Note: The following State, Territory, or Commonwealth law has been enacted but is not yet in effect:

- **Guam** enacted a 100% smokefree law for all restaurants and bars, which is scheduled to go into effect on January 1, 2017.

*Includes both public and private non-hospitality workplaces, including, but not limited to, offices, factories, and warehouses.

**Includes any attached bar in the restaurant.

Only ordinances reviewed and analyzed by ANR Foundation staff using standardized criteria are included on these lists. Omission of a particular ordinance may be the result of differences of opinion in interpretation, or because staff have not yet analyzed the ordinance.

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[LS-03]

Attachment 3

ORDINANCE NO. 2006-217

AN ORDINANCE OF THE CITY OF CALABASAS REGULATING SECOND-HAND SMOKE AND AMENDING THE CALABASAS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council of Calabasas hereby finds and declares as follows:

WHEREAS, scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas, and kidneys;¹ and

WHEREAS, the use of cigars is known to cause lung, larynx, esophageal, and oral cancer;² and

WHEREAS, more than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable illness;³ and

WHEREAS, the World Health Organization (WHO) estimates that by 2030, tobacco will account for 10 million deaths per year, making it the greatest cause of death worldwide;⁴ and

WHEREAS, deaths from smoking around the world will soon outnumber those from AIDS, tuberculosis, traffic accidents, murder, and suicide combined;⁵ and

¹ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002), available at <http://www.cdc.gov/tobacco/overview/oshaag.pdf> (last accessed August 15, 2003).

² U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002) MORBIDITY AND MORTALITY WEEKLY REPORT, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5114a2.htm> (last accessed August 15, 2003).

³ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Highlights Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002) MORBIDITY AND MORTALITY WEEKLY REPORT, available at http://www.cdc.gov/tobacco/research_data/economics/mmwr5114.highlights.htm (last accessed August 15, 2003).

⁴ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Reducing Tobacco Use: A Report of the Surgeon General*, 437 (2001).

⁵ Macksood Aftab, et. al., *International Cigarette Labeling Practices*, 8:4 TOBACCO CONTROL 368 (1999).

WHEREAS, the United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;⁶ and

WHEREAS, exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year,⁷ including 3,000 deaths from lung cancer;⁸ and

WHEREAS, between 4,200 and 7,440 nonsmokers die of ischemic heart disease from secondhand smoke each year in California;⁹ and

WHEREAS, 87.9% of non-smokers showed detectable levels of cotinine (a metabolite of nicotine) in their blood, the most likely source of which is secondhand smoke exposure;¹⁰ and

WHEREAS, secondhand smoke exposure adversely affects fetal growth, with elevated risk of low birth weight and increased risk of Sudden Infant Death Syndrome (SIDS) in infants of mothers who smoke;¹¹ and

WHEREAS, secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis,¹² exacerbates childhood asthma, and increases the risk of acute, chronic, middle ear infection in children;¹³ and

⁶ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001), available at http://www.cdc.gov/tobacco/sgr/sgr_2000/factsheets/factsheet_clean.htm (last accessed Apr. 23, 2003).

⁷ S.A. Glantz & W. Parmley, *Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry*, 83(1) *Circulation* 1 (1991) and *California Environmental Protection Agency, Office of Env'tl. Health Hazard Management, Health Effects of Exposure to Environmental Tobacco Smoke: Final Report* (1997).

⁸ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002), available at <http://www.cdc.gov/tobacco/overview/oshaag.pdf> (last accessed August 15, 2003).

⁹ National Cancer Institute, *Health Effects of Exposure to Environmental Tobacco Smoke: The Report of the California Environmental Protection Agency*. Smoking and Tobacco Control Monograph No. 10. Bethesda, MD. U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute, NIH Pub. No. 99-4645 (1999).

¹⁰ Pirkle, et al., *JOURNAL OF AMERICAN MEDICINE*, 275: 1233-40 (1996).

¹¹ Cal. Env'tl. Prot. Agency, Office of Env'tl Health Hazard Assessment, *Health Effects of Exposure to Environmental Tobacco Smoke, Final Report ES-5* (1997).

¹² U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002), available at <http://www.cdc.gov/tobacco/overview/oshaag.pdf> (last accessed August 15, 2003).

¹³ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001), available at http://www.cdc.gov/tobacco/sgr/sgr_2000/factsheets/factsheet_clean.htm (last accessed Apr. 23, 2003).

WHEREAS, the total cost of smoking in California was estimated to be \$475 per resident or \$3,331 per smoker per year, for a total of nearly \$15.8 billion in smoking-related costs in 1999 alone;¹⁴ and

WHEREAS, smoking-related health care costs in California in 1999 totaled \$8.6 billion, an estimated 43% of which is paid for by public sources;¹⁵ and

WHEREAS, almost 90% of adult smokers started smoking at or before age 18;¹⁶ and

WHEREAS, it is estimated that 5.9% of youth in California smoke¹⁷ and smoking in front of children is likely to increase the likelihood that they will smoke; and

WHEREAS, state law acknowledges the harms of secondhand smoke by prohibiting the sale or furnishing of cigarettes, tobacco products or smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors;¹⁸ and

WHEREAS, with certain exceptions, state law prohibits smoking inside an enclosed place of employment;¹⁹ and

WHEREAS, state law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees;²⁰ and

WHEREAS, state law prohibits smoking in playgrounds and tot lots and within twenty feet of the main entrances and exits of public buildings and expressly authorizes local communities to enact additional restrictions;²¹

WHEREAS, the California Air Resources Board has determined that second-hand smoke is a toxic air contaminant, finding that exposure to second-hand smoke has serious health effects including low birth-weight babies; Sudden Infant Death

¹⁴ Max W, Rice DP, Zhang X, Sung H-Y, Miller L., *The Cost of Smoking in California, 1999*; California Department of Health Services (2002).

¹⁵ Max W, Rice DP, Zhang X, Sung H-Y, Miller L., *The Cost of Smoking in California, 1999*; California Department of Health Services, 2002 and Bartlett JS, Miller LS, Rice D, Max WB, *Medical care expenditures attributable to cigarette smoking – United States, 1993*; MORBIDITY AND MORTALITY WEEKLY REPORT (1994) 469-472.

¹⁶ National Household Surveys on Drug Abuse, unpublished data, 1998. See also, U.S. Dep't of Health & Human Servs. et al., *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*, 101 (1994).

¹⁷ Tobacco Control Section, Cal. Dep't of Health Servs., *California Tobacco Control Update* (2003), at <http://www.dhs.ca.gov/tobacco/documents/TCSupdate.PDF> (last accessed April 25, 2003).

¹⁸ Cal. Penal Code § 308 (West 2003).

¹⁹ Cal. Lab. Code § 6404.5 (West 2003).

²⁰ Cal. Educ. Code § 48901(a) (West 2003).

²¹ Cal. Health & Safety Code § 104495 (West 2003) and Cal. Gov't Code § 7596 (effective January 1, 2004).

Syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung, sinus and breast cancer; heart disease; and death;

WHEREAS, the California Air Resources Board’s determination will lead to a rule-making process that will take many months to complete and will likely mirror the requirements of this ordinance in order to protect public health in California;

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 tobacco use near non-tobacco users; by protecting children from exposure to smoking and tobacco; by reducing the potential for children to associate smoking and tobacco with a healthy lifestyle; by protecting the public from smoking and tobacco-related litter and pollution; and by affirming and promoting the family-friendly atmosphere of the City’s public places.

SECTION 2. CODE AMENDMENT. Chapter 12 of Article 8 of the City Calabasas Municipal Code is hereby amended to read as follows:

Chapter 8.12 Second-Hand Smoke Control

Sections

- 8.12.010 Title
- 8.12.020 Purpose
- 8.12.030 Definitions
- 8.12.040 Prohibition of Smoking
- 8.12.050 Reasonable Distance Required
- 8.12.060 Allowing, Aiding or Abetting Illegal Smoking
- 8.12.070 Penalties and Enforcement
- 8.12.080 Private Enforcement

Sec. 8.12.010 Title

This chapter may be referred to as the city’s “Comprehensive Second-Hand Smoke Control Ordinance.”

Sec. 8.12.020 Purpose

The purposes of this chapter are to:

- A. Protect the public health, safety and general welfare by prohibiting smoking in public places under circumstances where other persons will be exposed to second-hand smoke,
- B. Assure a cleaner and more hygienic environment for the City, its residents, and its natural resources, including its creeks and streams,
- C. Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children, to breathe smoke-free air, recognizing the threat to public health and the environment which smoking causes,

D. Recognize the right of residents and visitors to the City to be free from unwelcome second-hand smoke.

Sec. 8.12.030 DEFINITIONS.

The following definitions shall govern construction of this chapter unless the context clearly requires otherwise:

(a) "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes or that has an Employee.

(b) "Common Area at a Shopping Mall" means any indoor or outdoor common area of a Shopping Mall accessible to and usable by the occupants or customers of more than retail establishment, including but not limited to halls, lobbies, outdoor eating areas, play areas and parking lots.

(c) "Employee" means any person who is employed or retained as an independent contractor by any Employer or any person who volunteers his or her services for an Employer, association, Nonprofit Entity.

(d) "Employer" means any person, partnership, corporation, association, nonprofit or other entity who or which employs or retains the service of one or more Employees.

(e) "Enclosed Area" means:

(1) any covered or partially covered area having more than 50% of its perimeter walled or otherwise closed to the outside such as, for example, a covered porch with more than two walls; or

(2) any space open to the sky (hereinafter "uncovered") having more than 75% of its perimeter walled or otherwise closed to the outside such as, for example, a courtyard;

(3) except that an uncovered space of three thousand (3,000) square feet or more is not an Enclosed Area, such as, for example, a field in an open-air arena.

(f) "Multi-Unit Residence" means a building or portion thereof that contains more than one dwelling space each of which consists of independent living facilities for one or more persons, including but not limited to single-room occupancy hotels (SROs), congregate care facilities other than those conducted in single-family residential structures, and dormitories.

(g) "Multi-Unit Residence Common Area" means any common area of a Multi-Unit Residence accessible to and usable by the occupants of more than one dwelling, including but not limited to halls, lobbies, laundry rooms, outdoor eating areas, play areas and swimming pools.

(h) "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 of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

(i) "Place of Employment" means any area under the legal or de facto control of an Employer, Business or Nonprofit Entity that an Employee or the general public may enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, and, while Employees, children or patients are present, private residences that are used as child-care or health-care facilities subject to licensing requirements.

(j) "Playground" means any park or Recreational Area designed in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on city property.

(k) "Present" means with a Reasonable Distance.

(l) "Public Place" means any public or private place open to the general public regardless of any fee or age requirement, including, for example, streets, sidewalks, plazas, bars, restaurants, clubs, stores, stadiums, parks, Playgrounds, taxis, and buses.

(m) "Reasonable Distance" means a distance of twenty feet or, with respect to a designated smoking area, such larger area as the city manager reasonably determines in writing to be necessary in a given circumstance to ensure that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area.

(n) "Recreational Area" means any public or private area open to the public for recreational purposes whether or not any fee for admission is charged, including, for example, parks, gardens, sporting facilities, stadiums, and Playgrounds.

(o) "Shopping Mall" means any parcel of land zoned and used for retail sales by more than one retailer that is jointly operated or which includes shared parking facilities.

(p) "Smoking" means possessing (and "Smoke" means to possess) a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, any Tobacco Product, or any other weed or plant.

(q) "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

(r) "Unenclosed area" means any area which is not an Enclosed Area.

Sec. 8.12.040 Prohibition of Smoking

(a) Public and Other Places Where Smoking Prohibited. Except as otherwise provided by this chapter or by state or federal law, smoking is prohibited everywhere in the city, including but not limited to:

(1) Public Places;

(2) Places of Employment;

(3) Multi-Unit Residence Common Areas;

(4) Enclosed and Unenclosed Places of Hotels, Businesses, Restaurants, and Bars, and other public accommodations.

(b) Places Where Smoking Permitted. Notwithstanding paragraph (a) of this subsection, Smoking is permitted in the following locations within the City, unless otherwise provided by state or federal law:

(1) Private Residential Property, other than those used as a child-care or health-care facility subject to licensing requirements when Employees, children or patients are present. Nothing in this ordinance shall require a person or entity who or which owns or controls a private residential property, including but not limited to a condominium association or an apartment owner, to permit smoking and such a person may choose to prohibit smoking throughout the property he, she or it owns or controls.

(2) In up to twenty percent of guest rooms in any hotel or motel, if the hotel or motel permanently designates at least 80 percent of its guest rooms as

nonsmoking rooms, appropriately signs non-smoking rooms and permanently removes ashtrays and matches from them. Smoking rooms shall be segregated from non-smoking rooms on separate floors, wings, or portions of either; smoking and non-smoking rooms shall not be interspersed. Nothing in this ordinance shall require a hotel or motel to provide smoking rooms and the owner or operator of a hotel or motel may choose to prohibit smoking throughout the property.

(3) Designated Unenclosed Areas in Shopping Mall Common Areas ("smokers' outposts"), provided that (i) there is not more than one square foot of unenclosed area designated for smoking for every 20,000 square feet of rentable Enclosed or Unenclosed Space a Shopping Mall (provided that each Shopping Mall may have at least one smokers' outpost of 40 or fewer square feet in area, (ii) the area is prominently marked with signs, (iii) it is located the greatest distance practicable, and at least five (5) feet, from any doorway or opening into an Enclosed area or any access way from parking facilities to the retail areas of the Shopping Mall, (iv) smoke is not permitted to enter adjacent area in which smoking is prohibited by this chapter, other law or by the owner, lessee or licensee of the adjacent property, and (v) the location(s) of the smokers' outpost(s) is or are approved in writing by the community development director of the city based on the standards of this paragraph and the goals of this chapter;

(4) Any outdoor area in which no non-smoker is Present and, due to the time of day or other factors, it is not reasonable to expect another person to arrive.

(c) No person shall dispose of Smoking waste or place or maintain a receptacle for Smoking waste in an area in which Smoking is prohibited by this chapter or other law, including within any Reasonable Distance required by this chapter.

Sec. 8.12.050 Reasonable Distance Required

No person shall Smoke in an area in which Smoking is otherwise permitted by this chapter or other law within a Reasonable Distance from any entrance, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited by this chapter, other law or by the owner, lessee or licensee of that Enclosed Area.

Sec. 8.12.060 Allowing, Aiding or Abetting Illegal Smoking

(a) No person, Employer, Business, or Nonprofit Entity shall knowingly permit Smoking in an area under his, her, or its legal or de facto control in which smoking is prohibited by this chapter or other law.

(b) No person, Employer, Business, or Nonprofit Entity shall allow the placement or maintenance of a receptacle for Smoking waste in an area under his, her, or its legal or de facto control in which smoking is prohibited by this chapter or other law.

(c) Notwithstanding any other provision of this chapter, any owner, landlord, Employer, Business, Nonprofit Entity, or other person who or which has legal or de facto control over any property may declare any area in which Smoking would otherwise be permitted to be a nonsmoking area and, provided that signs are posted giving notice of the Smoking restriction, Smoking in or within a Reasonable Distance of that area shall constitute a violation of this chapter.

(d) "No Smoking" or "Smoke Free" signs, with letters of no less than one inch in height or 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) or any alternative signage approved by the community development director of the city shall be conspicuously posted at each entrance to a Public Place in which Smoking is prohibited by this chapter, by the person, Employer, Business, or Nonprofit Entity who or which has legal or de facto control of such place. The city manager shall post signs at each entrance to a Public Place in which Smoking is prohibited by this Chapter which is owned or controlled by the city. Signage required by this paragraph shall not be subject to chapter 17.30 ("Signs") of this code. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter except as to an area in which Smoking is prohibited only by paragraph (c) of this subsection.

Sec. 8.12.070 Penalties and Enforcement

(a) A violation of this ordinance shall constitute a misdemeanor punishable pursuant to chapter 1.16 of this code unless the prosecutor determines to prosecute it as an infraction as authorized by section 1.16.010(a).

(b) The city council hereby declares that exposing other persons to second-hand smoke constitutes a public nuisance and may be remedied as such.

(c) No person shall cause, permit, aid, abet, or conceal a violation of any provision of this chapter.

(d) The remedies provided by this chapter are cumulative and in addition to

any other remedies available at law or in equity.

(e) The city prosecutor, city attorney, any peace officer or city code enforcement officer may enforce this chapter.

Sec. 8.12.080 Private Enforcement

(a) The city attorney or city prosecutor may also bring a civil action to enforce this chapter and to obtain the remedies specified below or otherwise available in equity or at law.

(b) Any person acting for the interests of him-, her-, or itself, or of its members, or of the general public (hereinafter "a Private Enforcer") may bring a civil action to enforce this chapter with the remedies specified below, if both of the following requirements are met:

(1) The action is commenced more than 60 days after the Private Enforcer has given written notice of an alleged violation of this chapter to the city attorney and to the alleged violator.

(2) No person acting on behalf of the city or the state has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.

(c) A Private Enforcer shall provide a copy of his, her or its action to the city attorney within seven days of filing it.

(d) Upon settlement or judgment of an action brought pursuant to paragraph (g) of this subsection, the Private Enforcer shall give the city attorney notice of that settlement or judgment and of the final disposition of the case. No Private Enforcer may settle such an action unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this chapter and any settlement in violation of this requirement may be set aside upon motion to a court of competent jurisdiction by the city attorney or city prosecutor.

(e) Upon proof of a violation of this chapter, the court shall award the following:

(1) Damages in the amount of either:

(i) upon proof, actual damages; or

(ii) with insufficient or no proof of damages, \$250 for each violation of this chapter (hereinafter "Statutory Damages"). Unless otherwise specified in this chapter, each day of a continuing violation shall constitute a separate

violation. Notwithstanding any other provision of this chapter, no Private Enforcer suing on behalf of the general public shall recover Statutory Damages based upon a violation of this chapter if a previous claim brought on behalf of the general public for Statutory Damages and based upon the same violation has been adjudicated, whether or not the Private Enforcer was a party to that earlier adjudication.

(2) Restitution to the appropriate party or parties of the gains obtained by way of violation of this chapter.

(3) Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for the public health and safety.

(4) Attorneys' fees and costs reasonably incurred by a successful party in prosecuting or defending an action.

Any damages awarded in an action brought by the city attorney or city prosecutor shall be paid into the city's general fund unless the court determines that they should be paid to a damaged third party.

(f) Upon proof of at least one violation of this chapter, a Private Enforcer, the city prosecutor, city attorney, any peace officer or code enforcement official may obtain an injunction against further violations of this chapter or as, to small claims court actions, a judgment payable on condition that a further violation of this chapter occur within a time specified by the court.

(g) Notwithstanding any legal or equitable bar, a Private Enforcer may bring an action to enforce this chapter solely on behalf of the general public. When a Private Enforcer do so, nothing about such an action shall act to preclude or bar the Private Enforcer from bringing a subsequent action on his, her or its own behalf based upon the same facts.

(h) Nothing in this chapter shall prohibit a Private Enforcer from bringing a civil action in small claims court to enforce this chapter, so long as the amount in demand and the relief sought are within the jurisdiction of small claims court.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Calabasas hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of

the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 4. CONSTRUCTION. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this ___th day of _____ 2006.

Barry Groveman, Mayor

ATTEST:

Gwen Peirce, Assistant City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

Attachment 4

CITY OF ALAMEDA ORDINANCE NO. 3038

AMENDING THE CITY OF ALAMEDA MUNICIPAL CODE BY REPEALING SECTION 24-5 (SMOKING CONTROL) OF SECTION XXIV (PUBLIC HEALTH) AND BY ADDING SECTIONS 24-11 (SMOKING PROHIBITIONS IN PLACES OF EMPLOYMENT AND PUBLIC UNENCLOSED PLACES) AND 24-12 (SMOKING PROHIBITIONS IN MULTI-UNIT HOUSING)

Approved as to Form

City Attorney

WHEREAS, the U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and neither separating smoker from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group-A carcinogen, the most dangerous class of carcinogen; and

WHEREAS, exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year, including 3,000 deaths from lung cancer; and

WHEREAS, there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke; and

WHEREAS, employees who work in smoke-filled businesses suffer a twenty-five to fifty percent (25-50%) higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function; and

WHEREAS, studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in New York City hospitality workers find dramatic reductions in the levels of these biomarkers after a smoke free law takes effect. Average cotinine levels of these restaurant and bar workers decreased by eighty-five percent (85%) after the city's smoke free law went into effect; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. The Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability; and

WHEREAS, the Alameda Municipal Code at Section 1-5.3(a) provides that any condition existing in violation of the code is deemed to be a public nuisance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by repealing Section 24-5 (Smoking Control) of Section XXIV (Public Health) in its entirety and by adding Section 24-11 (Smoking Prohibitions in Places of Employment) and Section 24-12 (Smoking Prohibitions in Multi-Unit Housing), as follows:

24-11 SMOKING PROHIBITIONS IN PLACES OF EMPLOYMENT AND UNENCLOSED PUBLIC PLACES

24-11.1 Definitions

For the purposes of this Section, the following definitions shall govern, in accord with state statute, unless the context clearly requires otherwise:

(a) “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(b) “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

(c) “City” means the City of Alameda.

(d) “Commercial-Area Sidewalks” means any sidewalk in front of or abutting any property designated on the City’s official Zoning Map appended to the City’s Zoning Ordinance with a “C” prefix, which districts are listed on the Map as the Neighborhood Business District, Central Business District, Community-Commercial District and Commercial-Manufacturing District.

(e) “Dining Area” means any area available to or customarily used by the general public, which is designed, established, or regularly used for consuming food or drink. The term “Dining Area” shall not include a Bar with a rear or outside area.

(f) “Employee” means a person who is employed by an Employer, in consideration for direct or indirect monetary wages or profit, including

independent contractors, or any person who volunteers his or her services for a non-profit entity.

(g) "Employer" means a Person, Business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons, or utilizes volunteers.

(h) "Enclosed Area" means an area in which outside air cannot circulate freely to all parts of the area, and includes:

(1) Any covered or partially covered space having more than fifty percent (50%) of its perimeter area closed to the outside such as, for example, a covered porch with more than two walls; or

(2) Any space open to the sky (hereinafter "uncovered") having more than seventy-five (75%) of its perimeter area closed to the outside such as, for example, a courtyard;

(3) Notwithstanding subsections (2) and (3) above, an uncovered space of three thousand (3000) square feet or more, such as, for example, a field in an open-air arena, is not an Enclosed Area.

(i) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(j) "Hookah Bar" means any facility or location whose Business operation, whether as its primary use or as an accessory use, is denoted by the smoking of tobacco through one or more pipes (commonly known as hookah, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke.

(k) "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 public agency is not a nonprofit entity within the meaning of this section.

(l) "No Smoking Sign" means a sign with letters of no less than one inch in height or which contains the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle crossed by a red bar).

(m) "Openings" shall include main entrances, exits, operable windows, and ventilation intake systems.

(n) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity and including government agencies.

(o) "Place of Employment" or "Workplace" means an area under the legal or actual control of a public or private Employer, including sole proprietor, that an Employee or member of the public may enter during the normal course of operations, regardless of hours of operation, including but not limited to, work areas, private offices, Employee lounges, restrooms, conference rooms, meeting rooms, classrooms, Employee cafeterias, hallways, construction sites, temporary offices, vehicles, and private residences that are used as a child care, adult day care, or Health Care Facility, and are subject to licensing.

(p) "Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on City grounds.

(q) "Public Events" means occurrences where people are seated or congregate in close proximity including, but not limited to, parades, fairs, farmers' markets, concerts, and ceremonies.

(r) "Reasonable distance" means a distance of at least twenty feet (20').

(s) "Recreation Areas" means any outdoor area that is 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 playing fields, playgrounds, parks, picnic areas, golf courses, walking paths, gardens, hiking trails, bike paths, swimming pools, and skateboard parks, sports arenas, amusement parks, and beaches.

(t) "Service Line" means an indoor or outdoor line in which one or more Persons waits for or receives service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, sporting event lines, payphones, newsstands, bus stops, and taxi-cab stands.

(u) "Shopping Mall" means a collection of retail or professional establishments and includes the public walkways or hall areas that serve to connect them.

(v) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, hookah, or pipe, or any other lighted or heated tobacco intended for inhalation, in any manner or in any form. (w) "Sports Arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

(x) "Unenclosed Area" means any area that is not an Enclosed Area.

24-11.2 Prohibition of Smoking in Enclosed and Unenclosed Places of Employment

Smoking shall be prohibited in all enclosed and unenclosed places of employment as follows:

1. Hotel/Motel lobbies, meeting and banquet facilities;
2. Ninety percent (90%) or more of hotel/motel guest rooms;
3. Retail or wholesale tobacco shops and hookah bars;
4. Taxi cabs, cabs of trucks, tractors, or other vehicles;
5. Warehouse facilities;
6. Theatrical production sites;
7. Medical research sites;
8. Private residences licensed as child care, adult care, and health care facilities;
9. Small Businesses with fewer than five (5) Employees;
10. Owner-operated Businesses that are open to the public;
11. Outdoor worksites, including construction sites, arenas, and convention halls, or anywhere where working crews may be.

Nothing in this subsection shall be construed to prohibit Smoking in any area in which such Smoking is already prohibited by state or federal law unless the applicable state or federal law does not preempt additional regulation.

24-11.3 Prohibition of Smoking in Unenclosed Public Places

Except as otherwise expressly authorized by state or federal law, Smoking shall be prohibited in the following Unenclosed Public Places within the City:

Dining Areas;
Recreation Areas;

Public Events;
Service Lines;
Commercial-Area Sidewalks; and
Shopping Malls.

24-11.4 Reasonable Smoking Distance Required – 20 Feet

Smoking that is not otherwise prohibited in Unenclosed Areas shall be prohibited within a Reasonable Distance from any entrance, window, opening, or vent into an Enclosed Area in which Smoking is prohibited, except while actively passing on the way to another destination and so long as Smoke does not enter any Enclosed Area in which Smoking is prohibited.

24-11.5 Duty of Person, Employer, Business, or Non-Profit

(a) The owner, operator, manager, or other Person in control of a public place or place of employment where Smoking is prohibited by this Section shall:

1. Clearly and conspicuously post "No Smoking" signs within or adjacent to Unenclosed Dining Areas, or by other means necessary to clearly indicate that Smoking is prohibited in the Dining Area.
2. Remove all ashtrays from any area where Smoking is prohibited by this Section, except for ashtrays displayed for sale and not for use on the premises.

(b) No Person, Employer, Business, or Nonprofit Entity shall knowingly permit the Smoking of Tobacco Products in an area which is under the legal or de facto control of the Person, Employer, Business, or Nonprofit Entity and in which Smoking is prohibited by law and the Person, Employer, Business or Nonprofit Entity is not otherwise compelled to act under state or federal law.

(c) No Person, Employer, Business, 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 which is under the legal or de facto control of the Person, Employer, Business, or Nonprofit Entity and in which Smoking is prohibited, including, without limitation, inside the perimeter of any Reasonable Distance required by this Section.

(d) Notwithstanding any other provision of this Section, any owner, Employer, Business, Nonprofit Entity, or other Person who controls any property, establishment, or Place of Employment regulated by this Section may declare any part of such area in which Smoking would otherwise be permitted to be a non-smoking area.

24-11.6 Violations, Penalties and Enforcement

The remedies provided by this subsection are cumulative and in addition to any other remedies available at law or in equity.

(a) Enforcement of this Section shall be the responsibility of the Alameda Police Department, although any peace officer, or Fire or Code Enforcement Officer, may also enforce this Section.

(b) While an establishment is undergoing otherwise mandatory inspections, Fire and Code Enforcement officers shall inspect for compliance with this Section.

(c) Notice of this Section will be provided to all applicants for a business license or renewal thereof; provided, however, lack of such notice shall be no defense to a violation of this Section.

(d) It shall be unlawful for any Person to smoke in any area where Smoking is prohibited under this Section.

(e) It is unlawful for any Person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this Section to refuse to comply with any of its provisions, or to permit any Employee or patron to violate this Section.

(f) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this Section.

(g) Any Person who violates any provision of this Section shall be deemed guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for the first violation.
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one year.
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this Section within one year.

(h) Violations of this Section are subject to a civil action brought by the City Attorney, punishable by a civil fine not less than two hundred fifty dollars (\$250.00) and not exceeding one thousand dollars (\$1,000.00) per violation.

(i) Notwithstanding any other provision of this Section, a private citizen may bring legal action to enforce the requirements of this Section.

24-11.7 Non-retaliation

No Person or Employer shall discharge or in any manner retaliate against any Employee because such Employee exercises any right to a Smoke-free environment afforded by the Section.

24-12 SMOKING PROHIBITIONS IN HOUSING

24-12.1 Definitions

For the purposes of this Section, the following definitions shall govern, in accord with state statute, unless the context clearly requires otherwise:

(a) "Common Area" means every Enclosed Area or Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit of that Multi-Unit Residence are entitled to enter or use, including, for example, 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.

(b) "Common Interest Complex" means a Multi-Unit Residence that is a condominium project, a stock cooperative, or a planned development as defined by California Civil Code section 1351.

(c) "Enclosed Area" means an area in which outside air cannot circulate freely to all parts of the area, and includes:

(1) Any covered or partially covered space having more than fifty percent (50%) of its perimeter area walled in or otherwise closed to the outside such as, for example, a covered porch with more than two walls; or

(2) Any space open to the sky (hereinafter "uncovered") having more than seventy-five (75%) of its perimeter area walled in or otherwise closed to the outside such as, for example, a courtyard.

(d) "Landlord" means any Person who owns property let for residential use, any Person who lets residential property, and any Person who manages such property, except that "Landlord" does not include sublessors.

(e) "Multi-Unit Residence" means any premises that contains two (2) or more Units.

(f) "New Unit" means a Unit that is issued a certificate of occupancy after the effective date of this ordinance.

(g) "Non-smoking Area" means any Enclosed Area or Unenclosed Area of a Multi-Unit Residence in which Smoking is prohibited by: (1) this Section or other law; (2) by binding agreement relating to the ownership, occupancy, or use of real property; or (3) by designation of a person with legal control over the area. In the case of a Smoking prohibition established only by private agreement or designation and not by this Section or other law, it shall not be a violation of this section for a person to engage in Smoking or to allow Smoking in that area unless: (1) the person knows that Smoking is not permitted; or (2) a reasonable person would know that Smoking is not permitted.

(h) "No Smoking Sign" means a sign with letters of no less than one inch in height or which contains the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle crossed by a red bar).

(i) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.

(j) "Premises" means a piece of land and any improvements upon it such as is usually described in a deed, deed of trust or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same natural person or by legal persons under common control, with the exception of contiguous parcels that each have only one detached single-family residence.

(k) "Rental Complex" means a Multi-Unit Residence for which fifty-one percent (51%) or more of the Units are let by or on behalf of the same Landlord.

(l) "Smoking" means possessing a lighted tobacco product or lighted tobacco paraphernalia, including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, or lighted cigarette, but does not include what is commonly referred to as electronic, or e-cigarettes.

(m) "Unenclosed Area" means any area that is not an Enclosed Area.

(n) "Unit" means: (1) a dwelling space consisting of a group of rooms and including one (1) kitchen, a bath and sleeping quarters designed for and not occupied by more than one (1) family, and any private outdoor spaces like balconies and patios; and (2) senior citizen housing and single room occupancy hotels, as defined in California Health and Safety Code Section 50519(b)(1), even where lacking private cooking facilities or private plumbing facilities. "Unit" does not include lodging in a hotel or motel that meets the requirements set forth in California Civil Code Section 1940(b)(2).

24-12.2 Smoking Restrictions in Multi-Unit Residential Rental Complexes

- (a) All New Units in Multi-Unit Residential Rental Complexes are hereby designated Non-smoking Units.
- (b) All Existing Units in Multi-Unit Rental Complexes are hereby designated Non-smoking Units effective January 1, 2013, or when the legal occupants after the effective date of this ordinance vacate a Unit, whichever occurs first.
- (c) Smoking is prohibited in any associated exclusive-use Enclosed or Unenclosed Areas of a designated Non-smoking Unit, such as, for example, a private balcony, porch, deck, or patio.
- (d) Smoking in a designated Non-smoking Unit, on or after January 1, 2013, is a violation of this subsection;
- (e) Smoking is prohibited in all Common Areas except that a Person with legal control over a Common Area, such as, for example, a Landlord, may designate a portion of the Common Area as a designated Smoking area provided that at all times the designated Smoking area complies with Section 24-12.5(b) below;
- (f) Required Lease Terms. Every lease or other agreement for the occupancy of a unit in a Multi-Unit Rental Complex shall include by January 1, 2013:
 - 1. A clause stating that Smoking is prohibited in the Non-smoking Unit; and
 - 2. A clause stating that it is a material breach of the lease or agreement to:
 - i. Violate any law regulating Smoking while on the Premises;
 - ii. Smoke in the Non-smoking Unit;
 - iii. Smoke in any Common Areas in which Smoking is prohibited.
- (g) The California Apartment Association's Form 34.0, revised 1/11, meets the requirements required by subsection (f) above, and is an option for use to comply with this subsection.
- (h) Whether or not a Landlord complies with subsection (f) above, the clauses required by that subsection shall be implied and incorporated by

law into every agreement to which they apply.

- (i) A tenant who breaches the Smoking regulations of a lease or knowingly allows another Person to do so shall be liable to: (i) the landlord; and (ii) any occupant of the Multi-Unit Residence who is exposed to secondhand Smoke as a result of that breach. A landlord shall not be liable to any Person for a tenant's breach of Smoking regulations if the landlord has fully complied with the requirements of this Section;
- (j) Failure to enforce any Smoking regulation of a lease or agreement on one or more occasions shall not constitute a waiver of the lease or agreement provisions required by this Section and shall not prevent future enforcement of any such Smoking regulation on another occasion;

24-12.3 Smoking Restrictions in Common Interest Complexes

- a) In every new Common Interest Complex that receives a certificate of occupancy after the effective date of this Section, one hundred percent (100%) of the units (including private outdoor spaces associated with such units, such as balconies, patios and decks), shall be Non-smoking Units by law.
- (b) All existing units of a Common Interest Complex, including private outdoor spaces associated with such units, such as balconies, patios and decks, are hereby designated Non-smoking Units as of January 1, 2013.
- c) Smoking is prohibited in all Common Areas, except that a Person with legal control over a Common Area, such as, for example, a homeowner's association, may designate a portion of the Common Area as a designated Smoking area provided that at all times the designated Smoking area complies with Subsection 24-12.5 (b) below.

24-12.4 No Smoking Buffer Zones and Designated Smoking Areas

- (a) Smoking is prohibited in Unenclosed Areas of a Multi-Unit Residence, including balconies, porches, decks, patios, and courtyards, within twenty feet (20') in any direction of any doorway, window, opening, or other vent into an Enclosed Area that is a Non-smoking Area.
- (b) A Person with legal control over a Common Area, such as, for example, a Landlord or homeowners' association, may designate a portion of the Common Area as a designated Smoking Area provided that at all times the designated Smoking Area complies with the following provisions:

(1) Must be an Unenclosed Area.

(2) Must be located at least twenty feet (20') from any Enclosed Area that is a Non-smoking Area. A Person with legal control over a Common Area in which a designated Smoking Area has been designated shall modify, relocate or eliminate that designated Smoking Area so as to maintain compliance with the requirements of this Section as laws change, as binding agreements are created, and as Non-smoking Areas on neighboring property are established.

(3) Must be at least twenty feet (20') from Unenclosed Areas primarily used by children and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, and swimming pools.

(4) Must be no more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated.

(5) Must have a clearly marked perimeter.

(6) Must be identified by conspicuous signs.

(7) The Person with legal control over a Common Area in which a Smoking Area has been designated by this Section may permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the Area.

(8) Clear and unambiguous "No Smoking" signs shall be posted in sufficient numbers and locations to make Common Areas where Smoking is prohibited by this Section or other law obvious to a reasonable person. Such signs shall be maintained by the Person or Persons with legal control over the Common Areas. The absence of signs shall not be a defense to a violation of any provision of this Section.

24-12.5 Disclosure of Designated Non-smoking Units & Designated Smoking Areas

(a) All Landlords of Rental Complexes are required to disclose to prospective tenants whether smoking is permitted in the unit to be rented, which units are designated smoking units, if any, and the smoking policy for the complex. On and after January 2, 2012, all Landlords of Rental Complexes are required to disclose to prospective tenants that smoking is prohibited in the Units effective January 1, 2013, and the smoking policy for the complex.

(b) All sellers of units within a Common Interest Complex are required to disclose to prospective buyers that smoking is prohibited in the Units effective January 1, 2013, and the smoking policy for the complex.

(c) Every Person with legal control over a Multi-Unit Residence, such as, for example, a Landlord or homeowners' association, shall maintain a diagram that illustrates the precise location and configuration of the premises' designated Smoking area. This diagram shall accompany every lease or other agreement for the occupancy of a Unit in a Multi-Unit Residence executed on or after January 1, 2013.

24-12.6 Prohibitions and Duties Generally

(a) Smoking is prohibited in any non-smoking area of a Multi-Unit Residence established by this Section.

(b) No Person shall knowingly permit Smoking in an area of the premises under his or her legal or de facto control in which Smoking is prohibited by this Section, this Code, or any other state or federal law provided, however, that this prohibition shall not apply to a Person who is already compelled to act under state or federal law.

(c) No Person shall knowingly permit the presence or placement of ash trays, cans, or other receptacles within Multi-Unit Residence Common Areas under his or her legal or de facto control in which Smoking is prohibited by this Section, this Code, or any other state or federal law.

(d) "No Smoking" signs shall be clearly and conspicuously posted in Multi-Unit Residence Common Areas, at every entrance, and on every floor where Smoking is prohibited by this Section or by other law. Such signs shall be maintained by the Person or Persons with legal control over the Multi-Unit Residence Common Areas, entrances and floors. Signs must be posted in sufficient numbers and locations in the Multi-Unit Residence Common Areas and at entrances and floors to make areas where Smoking is prohibited obvious to a reasonable person. Signs are not required at the individual entrance of each Multi-Unit Residence. The absence of signs shall not be a defense to a violation of any provision of this Section.

(e) This Section shall not create additional liability for a landlord for a Person's violation of this Section, provided that the Landlord has fully complied with the required disclosures, sign posting, and other provisions of this Section.

(f) The provisions of this Section are restrictive only and establish no new rights for a smoker.

(g) Notwithstanding any provision of this Section or other provisions of this Code, or failure to restrict Smoking under this Section, including any explicit or implicit provision that allows Smoking, nothing in this Section shall operate to limit any Person's legal rights under other laws with regard to Smoking, including, for example, claims of nuisance, trespass, property damage, and personal injury.

24-12.7 Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available at law or in equity.

(a) Enforcement of this Section shall be the responsibility of the Alameda Police Department, although any peace officer, or Fire or Code Enforcement Officer, may also enforce this Section.

(b) While a premises is undergoing otherwise mandatory inspections, Fire and Code Enforcement officers shall inspect for compliance with this Section.

(c) Notice of this Section will be provided to all applicants for a business license or renewal thereof; provided, however, lack of such notice shall be no defense to a violation of this Section.

(d) It shall be unlawful for any Person to smoke in any area where Smoking is prohibited under this Section.

(e) It is unlawful for any Person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this Section to refuse to comply with any of its provisions, or to permit any employee or patron to violate this Section.

(f) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this Section.

(h) Any Person who violates any provision of this Section shall be deemed guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for the first violation.
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one year.
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this Section within one year.

(i) Violations of this Section are subject to a civil action brought by the City Attorney, punishable by a civil fine not less than two hundred fifty dollars (\$250.00) and not exceeding one thousand dollars (\$1,000.00) per violation.

24-12.8 Private Enforcement

(a) Any Person, including a legal entity or organization or a government agency, acting for the interests of itself, its members, or the general public, may bring a civil action to enforce this Section 24-12. Upon proof of a violation, a court shall award the following:

(1) Damages in the amount of either:

(i) upon proof, actual damages; or

(ii) with insufficient or no proof of damages, five hundred dollars (\$500) for each violation of this Section (hereinafter "statutory damages). Unless otherwise specified in the Section, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this Section, no Person suing on behalf of the general public shall recover statutory damages based upon a violation of this Section if a previous claim brought on behalf of the general public by another Person or the City for statutory damages and based upon the same violation has been adjudicated, whether or not the Person bringing the subsequent claim was a party to the prior adjudication.

(2) Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, retaliation, or a conscious disregard for the public health.

(b) A Person may also bring a civil action to enforce this Section by way of an injunction or a conditional judgment. Upon proof of a violation, a court shall issue an injunction or a conditional judgment.

(c) Nothing in this Section prohibits a Person from bringing a civil action in small claims court to enforce this section, so long as the amount in demand and the type of relief sought are within the jurisdictional requirements set forth in California Code of Civil Procedure Section 116.220.

Section 2. This ordinance shall be in full force and effect beginning on January 2, 2012.

Section 3. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Mari L. Gilmore
Presiding Officer of the City Council

Attest:

Lara Weisiger
Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 15th day of November, 2011, by the following vote to wit:

AYES: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of November, 2011.

Lara Weisiger
Lara Weisiger, City Clerk
City of Alameda

Planning Department Staff Report

September 20, 2016

Project Number: 2016.34
Project Title: Solid Waste Programming
Type of Project: General Plan Implementation
Prepared by: Juliana Lucchesi, City Planner

Background:

Solid waste programming for cities can encompass a number of individual initiatives and types of solid waste. The four main categories of solid waste are trash for landfill, recycling, composting, and hazardous. The State of California currently mandates that all jurisdictions implement and maintain programs for trash removal, recycling, and composting. The City of Mt. Shasta has received a five year waiver for the implementation of the composting program.

The City of Mt. Shasta contracts with John Smith Sanitation for trash and recycling removal from residential and commercial properties. Trash for landfill is delivered to the Black Butte Transfer station. The recycling is delivered and sorted at the Siskiyou Opportunity Center. The trash for landfill is paid for through a fee delivered on the water bill each month. The recycling program has historically been free to residents and businesses, but will change in the coming months.

The Siskiyou Opportunity Center has previously sustained the free recycling services and other functions through recycling reclamation. The reclamation in the state of California allowed the center to break-even without charging the City. Unfortunately, markets for recycled material have diminished to the point where the Siskiyou Opportunity Center must charge the City or discontinue services.

Beginning April 1, 2016, California has mandated that all organic waste produced by a business is composted. The City of Mt. Shasta has been granted a 5 year deferment due to cost and availability of a local or regional composting service. The City does not have plans in place to move to composting.

General Plan Connection:

The General Plan Conservation Element contains one goal pertaining to improving the recycling programs in the City. The goals pertaining to solid waste are only concerned with “supporting” current program. There are no suggested metrics or levels to attain in the General Plan.

There is no mention of composting, reducing solid waste as a whole, or dealing with hazardous materials in the General Plan.

Future Programming:

The City of Mt. Shasta in coordination with Siskiyou County are working to meet state mandates and maintain current services. One difficulty is funding to maintain and expand programs. The City is investigating funding streams through recycling fees added to resident and business water bills or instituting taxes on plastics. These funds would go to initially maintain current service then expand to other materials and additional service.

Composting will be the most difficult service to begin due to the lack of viable contractors and funding. The state mandate to begin business composting is an unfunded mandate. Unfunded mandates are difficult for smaller scale cities to initiate and maintain. Fortunately, the City has been granted a five year extension on the mandate to find funding and services.