

**ORDINANCE 2019-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 5-27, TO REVISE SECTION 5-27-110, SUBSECTION (A), TO PROHIBIT SMOKING IN EVERY RESTAURANT, INCLUDING ANY AREA WHICH IS LOCATED OUTDOOR; AND, TO REVISE SECTION 5-27-120, SUBSECTION (A), NUMBER (5) SO THAT SMOKING IS DISALLOWED IN OUTDOOR WORKPLACE AREAS IN RESTAURANTS (EXEMPT FROM CEQA)**

**WHEREAS**, the San Juan Bautista City Council heard a presentation by the San Benito Public Health Services at its meeting on March 19, 2019 in which members advocated for smoke free outdoor dining; and

**WHEREAS**, the City Council accepted public comment in support of smoke free outdoor dining in the City, wished to adopt the recommendation and directed the City Attorney to return with an Ordinance which prohibited smoking in outdoor areas of restaurants, and

**WHEREAS**, a prohibition on smoking in outdoor areas of restaurants is exempt under CEQA guidelines Section 15308, as an action taken to protect the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

**Section 5-27-110, Subsection (A) shall be revised as follows:**

**Section 5-27-110 Smoking Prohibited.**

It shall be unlawful to smoke in any of the following places within the City:

(A) Restaurants. Smoking is prohibited in every restaurant, including any area which is located outdoors.

**Section 5-27-120, Subsection (A), Number 5 shall be revised as follows:**

**5-27-120 Smoking permitted.**

(A) Smoking is not prohibited within any of the following places:

(5) Any portion of a workplace that is not enclosed, with the exception of outdoor dining areas in restaurants;

**The FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 16<sup>th</sup> day of April, 2019, and was adopted at a regular meeting of the San Juan Bautista City Council on the 21<sup>st</sup> day of May, 2019, by the following vote:

**AYES:** Flores, Edge, Freeman, DeVries, Jordan

**NOES:** None

**ABSENT:** None

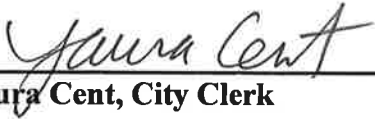
**ABSTAIN:** None



---

César E. Flores, Mayor

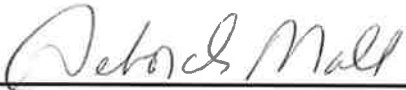
**ATTEST:**



---

Laura Cent, City Clerk

**APPROVED AS TO FORM:**



---

Deborah Mall, City Attorney