



## **REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of May 8, 2018

**TO:** Mayor Kelley and Members of the City Council

**SUBMITTED BY:** Patrick Tang, City Attorney

**SUBJECT:** Ordinance to Amend Hercules Municipal Code Title 5, Chapter 6, to update, revise, and clarify the City's Smoking Ordinance

### **RECOMMENDED ACTION:**

Consider waiving second reading and adopting the attached Ordinance of the City Council of the City of Hercules amending the City's smoking ordinance, with additions/changes as directed at the Council meeting of April 24, 2018.

### **FISCAL IMPACT OF RECOMMENDATION:**

There may be some expense associated with providing notice to residents and affected businesses should amendments to the current smoking ordinance be adopted. There may be some minimal cost associated with code enforcement efforts in the event enforcement is required.

### **DISCUSSION:**

On April 24, 2018, the City Council waived first reading and approved adoption of a draft ordinance to amend the City's current smoking ordinance, with some changes and clarifications including the addition of provisions to:

- ban all smoking in hotel and motel rooms,
- allowing for the permitting of hookah use in specified outdoor locations 25 feet or more from other patrons, businesses, and residences and when such use does not create a public nuisance, and
- clarify that persons under 21 are not permitted in smoke shops (Attachment 1).

The changes discussed at the April 24<sup>th</sup> meeting are included in the redline version of the draft ordinance, Attachment 2 to this staff report.

Also provided as Attachment 3 is information that the Contra Costa Health Services Tobacco Prevention Program Manager requested be provided to you regarding the effects of hookah smoking.

**ATTACHMENTS:**

1. Smoking Ordinance Staff Report from April 24, 2018 Council Meeting.
2. Draft Ordinance based on the ANR model ordinance, with changes as directed by Council at the April24, 2018 meeting.
3. Information on the effects of hookah smoking provided by Contra Costa Health Services.