

AN ORDINANCE OF THE CITY OF EUREKA AMENDING TITLE IX CHAPTER 97 OF  
THE EUREKA MUNICIPAL CODE PERTAINING TO SMOKING

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

**Section 1.**

Title 9, Chapter 97, Section 97.01 [Definitions] is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

**COMMON AREA.** 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.

**DESIGNATED SMOKING AREA.** A designated area on-site at an ELIGIBLE CANNABIS RETAIL FACILITY, where customers may smoke cannabis and cannabis products.

**DESIGNATED SMOKING ROOM.** A designated room within an ELIGIBLE CANNABIS RETAIL FACILITY, where customers may smoke cannabis and cannabis products.

**DINING AREA.** Any area, including streets and sidewalks, which is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or drink.

**ELIGIBLE BAR.** A business operating lawfully that maintains an area on the business's property compliant with Cal. Labor Code § 6404.5 (prohibiting smoking in places of employment) for customers in which smoking is not prohibited by the business; and possesses a license to serve alcoholic beverages from the California Department of Alcoholic Beverage Control that prohibits individuals under the age of 21 years from entering and remaining, such as, for example, license type 48.

**ELIGIBLE CANNABIS RETAIL FACILITY.** An on-site retail facility as defined in Chapter 158.

**EMPLOYEE.** Any person who is employed or retained as an independent contractor by any employer or nonprofit entity in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services for an employer or nonprofit entity.

**Section 2.**

Title 9, Chapter 97, Section 97.02 [Prohibition of Smoking in Enclosed and Unenclosed Areas] is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

(C) Unless otherwise prohibited by law, smoking is permitted in the following enclosed areas:

(1) Private residences, except those used as a child care or health care facility subject to licensing requirements; and

(2) Up to 50% of hotel and motel guest rooms, if the hotel or motel permanently designates particular guest rooms as nonsmoking rooms such that 50% or more of its guest rooms are nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent "No Smoking" signage shall be posted in nonsmoking rooms;

(3) Designated smoking rooms within eligible cannabis retail facilities; and

(4) Designated smoking areas within eligible cannabis retail facilities.

**Section 3.**

This ordinance shall become effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2019 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the \_\_\_\_ day of \_\_\_\_\_, 2019, and hereby approved.

\_\_\_\_\_  
Susan Seaman, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
Greg L. Sparks, City Manager

\_\_\_\_\_  
Robert Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the \_\_\_\_\_  
day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Pamela J. Powell, City Clerk