

**TOWN OF PARADISE  
ORDINANCE NO. 554**

**AN ORDINANCE OF THE TOWN OF PARADISE  
AMENDING PARADISE MUNICIPAL CODE SECTIONS 8.46.020,  
8.46.040 AND 8.46.060 REGULATING SMOKING AND ELECTRONIC CIGARETTES**

The Town of Paradise does ordain as follows:

**SECTION 1.** Section 8.46.020 of the Paradise Municipal Code is hereby amended to read:

**8.46.020 - Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless it shall be apparent from the context that they have a different meaning:

A. "Bar" means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages and which is enclosed and separated from areas dedicated primarily to dining and the service of food. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

B. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

C. "Dining area" means any enclosed area containing a counter or tables upon which meals are served.

D. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profits, and any person who volunteers his or her time or service for a nonprofit entity.

E. "Employer" means any person, partnership, corporation, including municipal corporation, or nonprofit entity, who employs the services of one or more individual persons.

F. "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of doors or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

G. "Nonprofit entity" means any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational, character-building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a "nonprofit entity" within the meaning of this section.

H. "Place of employment" means any enclosed area under the operation or control of a public or private employer which employees normally frequent during the course of employment including, but not limited to, work areas, individual and group offices, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. For purposes of this chapter, "place of employment" shall not include those places "where smoking is not regulated" as set forth in Section 8.46.060.

I. "Public place" means any enclosed or unenclosed area to which the public is invited or in which the public is permitted including, but not limited to, banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting room, including the area within 20 feet of the entrance, exit or operable windows of a building. A private residence is not a "public place."

J. "Restaurant" means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

K. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

L. "Service line" means any indoor line at which one or more persons are waiting for or are receiving service of any kind, whether or not such service involves the exchange of money.

M. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, hookah pipe, pipe or a functioning electronic-operated device creating vapors or smoke from tobacco, nicotine, marijuana, any weed or plant or other substance in any manner or any form.

N. "Sports arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, pool halls and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

**SECTION 2.** Section 8.46.040 of the Paradise Municipal Code is hereby amended to read:

**8.46.040 – Prohibitions of smoking in public places.**

A. Smoking shall be prohibited in all public places within the town, including but not limited to the following places, and with the following exceptions:

1. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to attorneys' offices and other offices, banks, hotels and motels;

2. Any facility which is primarily used for exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of a

stage production and in this event the only smoking permitted in such a facility will be that smoking that is part of and incident to the performance;

3. Bars;
4. Buses, shuttle buses, taxi cabs and other means of public transit sponsored by or subject to the authority of the town, and ticket, boarding and waiting areas of public transit depots;
5. Common areas in apartment buildings, condominiums, retirement facilities, nursing homes and adult day care facilities;
6. Elevators;
7. Every room, chamber, place of meeting or public assembly, including school buildings, under the control of any board, council, commission, committee, including joint committees, or agencies of the town or any political subdivision of the state of California during such time as a public meeting is in progress, to the extent the same is subject to the jurisdiction of the town;
8. Polling places;
9. Public areas of galleries, libraries, and museums when open to the public;
10. Public parks;
11. Restaurants;
12. Restrooms;
13. Retail stores;
14. Service lines;
15. Sports arenas and convention halls;
16. Waiting rooms, hallways, wards and semi-private rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment or facility.

**SECTION 3.** Section 8.46.060 of the Paradise Municipal Code is hereby amended to read:

**8.46.060 - Where smoking is not regulated.**

A. Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

1. Private residences, unless such residence is used as a child care or health care facility;
2. Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;
3. Restaurants, hotel and motel conference meeting rooms and private assembly rooms while these places are being used for private functions.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

**SECTION 4.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this 10<sup>th</sup> day of February, 2015 by the following vote:

**AYES:** Steve "Woody" Culleton, Jody Jones, Scott Lotter and Greg Bolin, Mayor

**NOES:** John J. Rawlings

**ABSENT:** None

**ABSTAIN:** None

  
Greg Bolin, Mayor

**ATTEST:** *February 10, 2015*

  
JOANNA GUTIERREZ, Town Clerk

**APPROVED AS TO FORM:**

  
DWIGHT L. MOORE, Town Attorney