

Introduced by Councilmember: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.78  
OF THE PASADENA MUNICIPAL CODE RELATED TO TOBACCO USE  
PREVENTION

The People of the City of Pasadena ordain as follows:

SECTION 1. The title of Chapter 8.78 is hereby amended to read:

**“Tobacco Use Prevention Ordinance.”**

SECTION 2. Section 8.78.010 is hereby amended to read:

**“8.78.010 Short title.**

**This ordinance shall be known as the “tobacco use prevention ordinance.”**

SECTION 3. Section 8.78.020 is hereby amended to read:

**“8.78.020 Findings and purpose.**

The city council finds that the smoking of tobacco, or any other weed or plant, is a positive danger to health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces, **and that smoking rates are on the increase among the youth population of Los Angeles County.** In addition, the U. S. Surgeon General and the U.S. Environmental Protection Agency have concluded that secondhand smoke causes lung cancer and heart disease in healthy nonsmokers. In order to **promote** public health, safety and welfare, the declared purposes of this chapter **are** to prohibit the smoking of tobacco, or any weed or plant, in public places and places of employment, **to protect the public health by restricting public exposure to secondhand smoke, and to restrict youth access to tobacco**

products, as stated and required in this chapter."

SECTION 4. The Pasadena Municipal Code is amended to add new Subsections J, K, L and M. to Section 8.78.040 to read:

**"J. "Vendor-assisted sale" means a purchase requiring a direct, face-to-face exchange between the retailer and the customer, in which the vendor has access to the tobacco product, and assists the customer by supplying the product. The customer does not take possession of the product until it is purchased.**

**K. "Tobacco product" means any manufactured substance made from the tobacco plant, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and smokeless tobacco, or products prepared from tobacco and designed for smoking or ingestion.**

**L. "Cigar lounge" means a private smokers' lounge of an enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including but not limited to cigars and pipes.**

**M. "Tobacco Shop" means a business establishment whose main purpose is the sale of tobacco products, including but not limited to, cigars, pipe tobacco, and smoking accessories."**

SECTION 5. Subsection G of Section 8.78.060 is hereby amended to read:

**"G. Restaurants, hotel lobbies, and common areas within hotels and motels, excluding guest rooms."**

SECTION 6. The Pasadena Municipal Code is amended to add a new Section 8.78.061 to read:

**“8.78.061 Requirement of vendor-assisted sales.**

**It shall be unlawful for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of a self-service display, cigarette vending machine, or by any means other than vendor-assisted sales. This prohibition shall not apply to tobacco shops and cigar lounges. A “self-service display” is the open display of tobacco products which the public has access to without the intervention of a store employee, including but not limited to a rack, shelf, or counter-top display.”**

SECTION 7. The Pasadena Municipal Code is amended to add a new Section 8.78.062 to read:

**“8.78.062 Purchaser Identification.**

**The seller of any tobacco products shall require photographic identification if a purchaser reasonably appears to be under 27 years of age. In compliance with federal and state law, tobacco products shall not be sold to anyone under 18 years of age.”**

SECTION 8. Subsection B of Section 8.78.130 is hereby amended to read:

“B. Any owner or manager of a business or other establishment subject to this chapter may apply to the city health officer for an exemption or modification to any provision of this chapter due to unusual circumstances or conditions **not related to youth access to tobacco products or the public’s exposure to secondhand smoke.** Such exemption shall be granted only if the city health officer finds from the evidence presented by the applicant for exemption either that:

1. The applicant cannot comply with the provisions of this chapter for which an exemption is requested without incurring expenses for structural or other physical modifications, other than posting signs, to buildings and structures; or

2. Due to such unusual circumstances, the failure to comply with the provision for which the exemption is requested will not result in a danger to health or annoyance, inconvenience or discomfort.”

SECTION 9. This ordinance shall take effect thirty (30) days after its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Chris Holden  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting of \_\_\_\_\_, 1998, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Published:

APPROVED AS TO FORM:

Carolyn Y. Williams  
Carolyn Y. Williams  
Asst. City Attorney

\_\_\_\_\_  
Jane Rodriguez  
City Clerk