

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING ARTICLE  
6 OF CHAPTER 5 OF THE HAYWARD MUNICIPAL CODE REGARDING  
SMOKING POLLUTION CONTROL

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 6 of Chapter 5 of the Hayward Municipal Code and is hereby amended and enacted.

SEC. 5-6.00 - TITLE.

SEC. 5-6.01 - FINDINGS AND PURPOSE.

SEC. 5-6.02 - DEFINITIONS.

SEC. 5-6.03 - APPLICATION TO CITY FACILITIES, AREAS, AND VEHICLES.

SEC. 5-6.04 - PROHIBITION OF SMOKING IN PUBLIC PLACES, AND CERTAIN OTHER AREAS.

SEC. 5-6.05 - REASONABLE SMOKING DISTANCE REQUIRED—20 FEET.

SEC. 5-6.06 - AREAS NOT SUBJECT TO SMOKING REGULATIONS.

SEC. 5-6.07 - POSTING OF SIGNS.

SEC. 5-6.08 - TOBACCO *AND CANNABIS* SAMPLES PROHIBITED.

SEC. 5-6.09 - VENDING MACHINES RESTRICTED.

SEC. 5-6.10 - ENFORCEMENT OFFICER.

SEC. 5.6.11 - CIVIL AND ADMINISTRATIVE ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

SEC. 5-6.12. - OTHER APPLICABLE LAWS.

Section 2. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 3. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at the meeting of the Hayward City Council held October 17, 2017, the above entitled Ordinance was introduced by Council Member Zermeño.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on October 30, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: October 27, 2017  
Miriam Lens, City Clerk  
City of Hayward