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**7.50.040 - Smoking prohibited.**

It shall be unlawful to smoke in public places within the City, including but not limited to, the following:

A. Business establishments. Smoking is prohibited within all workplaces and other areas open to the public in business establishments providing goods or services to the general public

and not otherwise mentioned in this Section, including, but not limited to, retail service establishments, personal service establishments, financial institutions, and offices.

B. City-owned vehicles. Smoking is prohibited in City-owned vehicles.

C. Designated nonsmoking areas. Notwithstanding any other provision of this Section, any owner, operator, manager or other person who controls the use of any establishment described in this Section may declare that entire establishment as a nonsmoking area. In addition, any owner, operator, manager or other person who controls the use of any public or private establishment which is not described in this Section may declare any portion or all of such establishment as a nonsmoking area and upon the posting of appropriate signs, smoking shall be prohibited in such areas.

D. Elevators. Smoking is prohibited in all elevators in buildings open to the public, including elevators in office, hotel and apartment buildings irrespective of the number of units within such buildings.

E. Entrances. Smoking is prohibited within twenty feet horizontally or vertically of any entrances, exits, operable windows, or air intake openings into an enclosed area in which smoking is prohibited, except while the person is actively passing on the way to another destination.

F. Health care facilities. Smoking is prohibited in all areas open to the public, including lobbies, waiting rooms and hallways, within any public or private hospital, clinic, medical office, nursing or convalescent home or other health care facility. If the facility contains a cafeteria or other form of restaurant, as defined in Section 7.50.030, such restaurant shall comply with the regulations set forth in subsection (a) of this Section. Smoking is further prohibited in any room occupied by two or more patients of a health care facility described herein, unless all patients within the room are smokers and request in writing upon the health care facility's admission forms to be placed in a room where smoking is permitted.

G. Hotel and motel common areas. Except as permitted in Section 7.50.060, smoking is prohibited in all areas of a hotel or motel that guests are entitled to enter or use, including, but not limited to, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pool areas, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

H. Individual units in multiunit residences. Smoking is prohibited in individual units of multiunit residences. Units in a multiunit residences shall not be subject to the smoking restrictions until fourteen (14) months after the effective date of this chapter, or until the legal occupants on the effective date of this chapter vacate the unit, whichever occurs first. All new leases and lease renewals shall include a clause prohibiting smoking in all areas of the complex, including inside individual units and on private balconies or patios, but excepting designated smoking areas.

I. Multiunit residence common areas. Smoking is prohibited in multiunit residence common areas.

J. Museums, libraries and galleries. Smoking is prohibited in all areas of museums, libraries, and galleries which are open to the public.

K. Public events. All special event permits shall prohibit smoking at events requiring such permits unless the organizer certifies that the event is for adults only and will not be promoted to attract children under the age of eighteen years.

L. Public lobbies and hallways. Smoking is prohibited in lobbies, hallways and other areas of City owned or controlled buildings which are open to the public.

M. Public meeting rooms. Smoking is prohibited in meeting rooms, hearing rooms, conference rooms, chambers and other places of public assembly in which the business of the City is conducted by any elected or appointed official, council, commission, committee, or board which requires or permits direct participation or observation by the general public.

N. Public restrooms. Smoking is prohibited in restrooms open to the public.

O. Recreation area. Smoking is prohibited in any outdoor area that is publicly owned and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to, beaches, riparian areas, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, and skateboard parks.

P. Recreation area parking area. Smoking is prohibited in any parking lot or any other area designated or primarily used for parking vehicles of persons accessing a recreational area.

Q. Restaurants. Smoking is prohibited in all restaurant spaces and dining areas.

R. Service areas. Smoking is prohibited in all service areas.

S. Smoking prohibited where prohibited by State law. Wherever smoking is prohibited by State law, smoking shall be prohibited in Half Moon Bay.

T. Theaters and auditoriums. Smoking is prohibited within all parts of any building which is used for exhibiting any motion picture, stage drama, performance or other similar performance, which parts are open to the public; provided, however, that smoking is permitted on a stage when such smoking is part of a stage production.

U. Any public sidewalk or walkway, or any parkway, curb or gutter.