

54  
9/12/06  
(O-2007-22)

ORDINANCE NUMBER O- **19536** (NEW SERIES)

DATE OF FINAL PASSAGE **SEP 19 2006**

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 59.0202 RELATING TO THE SMOKING AND DISPOSAL OF TOBACCO PRODUCTS AT QUALCOMM STADIUM.

WHEREAS, the City of San Diego is committed to keeping Qualcomm Stadium clean, safe, healthy, and pleasant for everyone, and

WHEREAS, the United States Environmental Protection Agency has classified secondhand smoke as a Class A carcinogen, the most dangerous classification of carcinogens.

WHEREAS, the California Environmental Protection Agency has designated secondhand smoke as a substance that causes cancer in humans; and

WHEREAS, the United States Centers for Disease Control and Prevention has established that about 3,000 adult non-smokers die each year from lung cancer caused by secondhand smoke; and

WHEREAS, the California Environmental Protection Agency has concluded that secondhand smoke has caused approximately 35,000 heart disease-related deaths in non-smokers; and

WHEREAS, reliable studies continue to show that breathing secondhand smoke is a significant health hazard especially for pregnant women and their unborn children, children, elderly people, individuals with cardiovascular disease-impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

WHEREAS, nonsmoker and smokers who suffer allergies, respiratory diseases, and other ill effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of such adverse reactions; and

WHEREAS, smoking at Qualcomm Stadium endangers children and others by exposing them to carcinogenic secondhand smoke; and

WHEREAS, children seeing people smoking at Qualcomm Stadium may model this dangerous behavior; and

WHEREAS, discarding tobacco and cigar and cigarette butts on the ground in the City of San Diego's Qualcomm Stadium facility is unsightly, unclean, and particularly hazardous to small children, who might handle or ingest them; and

WHEREAS, the City Council for the City of San Diego has determined that, in light of these findings, banning smoking and improper disposal of tobacco products, except in a secure, designated perimeter outside the Qualcomm Stadium facility, owned or controlled by the City of San Diego is necessary to protect the health, safety, and welfare of San Diego residents, visitors and the environment, NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 9, Division 2 of the San Diego Municipal Code is amended by amending section 59.0202 to read as follows:

0 - 19536

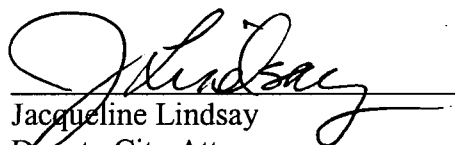
**§59.0202 Activities Prohibited within City Sports Facilities**

- (a) It is unlawful for any person to do the following within any City sports facility:
- (1) – (13) [No Change in Text]
  - (14) Smoke, except in posted designated smoking areas at *PETCO Park*.
  - (15) Smoke, except in designated smoking areas at *QUALCOMM Stadium* (not including the *QUALCOMM Stadium parking facilities*) where patrons may temporarily leave the *QUALCOMM Stadium* to smoke, but may remain in a secure perimeter.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

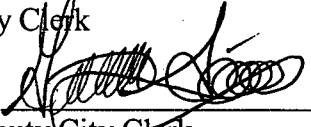
By   
Jacqueline Lindsay  
Deputy City Attorney

JL:sc  
07/24/06  
Aud.Cert.:N/A  
Or.Dept: Qualcomm Stadium  
O-2007-22

0 - 19536

I hereby certify that the following Ordinance was passed by the Council of the City of San Diego, at its meeting of SEP 12 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9.19.06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

RECEIVED  
CITY CLERK  
SEP 12 2006