

**ORDINANCE NO. 204-13**

**AN ORDINANCE OF THE CITY OF WILLIAMS AMENDING  
SECTIONS 13.10.050 OF THE WILLIAMS MUNICIPAL CODE  
RELATED TO SMOKING OF TOBACCO PRODUCTS IN PARKS**

**WHEREAS**, secondhand smoke causes thousands of deaths in the United States each year, and undesired secondhand smoke harms and annoys those present around tobacco smoke; and

**WHEREAS**, secondhand smoke is especially harmful to children, the elderly, and the infirm; and

**WHEREAS**, litter from smoking undermines the beauty and enjoyment of our city parks; and

**WHEREAS**, continued use of smoking tobacco at city parks is a threat to the public health, safety and welfare of the community as a consequence of secondhand smoke; and

**WHEREAS**, local governing bodies are authorized to regulate or completely ban smoking tobacco under Health & Safety Code Section 118910; and

**WHEREAS**, Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws;

**THE CITY COUNCIL OF THE CITY OF WILLIAMS DOES ORDAIN AS FOLLOWS:**

**Section 1.** Amendment. Section 13.10.050 of the Williams Municipal Code is hereby amended to read in full as set forth in the attached Exhibit "A".

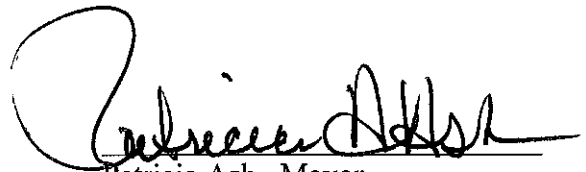
**Section 2.** Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this ordinance that can be given effect without the invalid provision and, to this end, the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**Section 3.** Posting. Within 15 days from the date of passage of this Ordinance, the City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be posted in three public places within the City of Williams.

**Section 4.** Effective Date. This Ordinance shall take effect and be enforced commencing thirty (30) days following its adoption.

**ADOPTED THIS** 18th day of December 2013, by the following vote:

**AYES:** Council Members Ash, Boes, Plachek-Fulcher, Sellers  
**NOES:** None.  
**ABSENT:** Troughton Jr.  
**ABSTAIN:** None.



Patricia Ash., Mayor

**ATTEST:**



Mariana Pineda, Deputy City Clerk

## **EXHIBIT "A"**

### **13.10.050 - Prohibited acts.**

It shall be unlawful for any person, firm or corporation using the parks to either perform or permit to be performed any of the following acts:

- A. Wilfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- B. Bring, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse; or other trash. All glass beverage containers are prohibited in or upon park areas. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- C. Disturb the peace by use of loud noise or abusive conduct.
- D. Endanger the safety of any person by any conduct or act.
- E. Commit any assault, battery, or engage in fighting.
- F. Violate any rule for the use of the park made or approved by the park commissioners or city council.
- G. Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this chapter and the rules applicable to such use.
- H. All overnight camping is prohibited.
- I. Play or bet at or against any game in a park, which game is played, conducted, dealt, or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value.
- J. Smoking of tobacco products is prohibited.