

ARTICLE 19I: PROHIBITING SMOKING IN CITY PARK AND RECREATIONAL AREAS AND FARMERS' MARKETS

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SEC. 1009.80. DEFINITIONS.

For purpose of this Article, "smoking" or "to smoke" means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant.

(Added by Ord. 28-05, File No. 041307, App. 2/4/2005)

SEC. 1009.81. PROHIBITING SMOKING IN CITY PARK AND RECREATIONAL AREAS.

(a) Smoking is prohibited on any unenclosed area of property in the City and County of San Francisco that is open to the public and under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, sport or playing field, pier, or other property used for recreational purposes, or a farmers' market.

(b) Each City department with jurisdiction over property subject to this Article shall post signs in appropriate locations to provide public notice that smoking is prohibited.

(c) The provisions of this Article do not apply in any circumstance where Federal or State law regulates smoking if the Federal or State law preempts local regulation or if the Federal or State law is more restrictive.

(d) The provisions of this Article do not apply to playgrounds or tot lot sandbox areas, in and around which smoking is prohibited by California Health and Safety Code Section 104495.

(e) The provisions of this Article do not apply to piers primarily used for commercial purposes.

(Added by Ord. 28-05, File No. 041307, App. 2/4/2005; Ord. 110-06, File No. 060393, App. 5/19/2006; Ord. 58-10, File No. 091443, App. 3/25/2010)

SEC. 1009.82. VIOLATIONS, PENALTIES AND ENFORCEMENT.

Any person who violates this Article is guilty of an infraction and shall be punished by a fine not exceeding one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation of this Article within a year of a first violation, and five hundred dollars (\$500) for each additional violation of this Article within a year of a first violation. Any peace officer, and pursuant to California Penal Code, Title 3, Section 836.5 any Park Patrol Officer (Classification No. 8208) and Supervisor Park Patrol (Classification No. 8210), shall have the authority to enforce the provisions of this Article. Punishment under this Article shall not preclude punishment pursuant to any provision of law proscribing the act of littering.

(Added by Ord. 28-05, File No. 041307, App. 2/4/2005)

SEC. 1009.83. DISCLAIMERS.

In adopting and undertaking the enforcement of this Article, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 28-05, File No. 041307, App. 2/4/2005)