

# CITY OF PALM DESERT STAFF REPORT

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MEETING DATE: August 22, 2024

PREPARED BY: Richard D. Cannone, AICP, Development Services Director

REQUEST: STUDY SESSION: PROPOSED TEXT AMENDMENTS TO PALM  
DESERT MUNICIPAL CODE CHAPTER 8.36, REGULATION AND  
PROHIBITION OF SMOKING

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## **RECOMMENDATION:**

Provide feedback on the proposed text amendments to Palm Desert Municipal Code Chapter 8.36, Regulation and Prohibition of Smoking.

## **BACKGROUND/ANALYSIS:**

In December 2009, the City Council adopted Ordinance No. 1200, which revised Palm Desert Municipal Code (PDMC) Chapter 8.36 concerning the Regulation and Prohibition of Smoking. A key change introduced by this ordinance was the prohibition of smoking in unenclosed areas. Since that update, the mediums and substances used for smoking have evolved. This includes the introduction of electronic smoking devices and a variety of substances beyond traditional tobacco. City staff are proposing the following updates:

### **1. General Cleanup of Terms and Grammar**

- a. *Review and Revise Language:* Ensure that the language used throughout the ordinance is clear, precise, and free of ambiguities. This includes updating terminology to reflect current usage and removing any outdated or redundant terms.

### **2. Amend Definition of “Smoking”**

- a. *Current Definition:* Ensure that the term “smoking” is updated to encompass all relevant activities, including the use of electronic smoking devices and non-tobacco substances.

### **3. Add Definition for “Electronic Smoking Device”**

- a. *New Definition:* Introduce a specific definition for electronic smoking devices to address the growing use of vaping products.

### **4. Clarification on “Private Country Clubs”**

- a. Requested Clarification: PDMC Chapter 8.36 prohibits smoking in unenclosed areas for the following:
  1. Public Places, includes 20 feet from the primary entrances to privately-owned commercial, industrial, institutional, or office professional buildings.
  2. Places of Employment
  3. Businesses, including within 20 feet of the entrance(s) to a dining area
  4. Common areas of multifamily residential properties owned by the City

Recently, Code Compliance staff addressed a complaint regarding smoking in front of a restaurant located within a private country club community. During our review, we encountered a potential conflict in the application of the code. While smoking is prohibited in unenclosed areas of Places of Employment, Businesses, and Public Places, a "private country club" is explicitly excluded from the definition of "public places."

Given that "private country club" is specifically listed as an exception, no corrective actions were issued in this case. However, the term "private country club" is not defined within the code, leading to some ambiguity about whether the intent was to allow smoking in all unenclosed areas of a private country club, or only within the golf course area (fairways and greens), and certain designated areas.

**Request for Clarification**

Was the intent to allow smoking in all unenclosed areas of a private country club, or only within the golf course area, and certain designated areas?

**Legal Review:**

This report has been reviewed by the City Attorney's office.

**FINANCIAL IMPACT:**

There is no financial impact related to the item.

**ATTACHMENT:**

1. Presentation