

ORDINANCE NO. 529

**AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT
DISTRICT FOR THE CONTROL OF SMOKING
AT THE MONTEREY PENINSULA AIRPORT**

WHEREAS, tobacco smoke is a major contributor to indoor air pollution and a significant health hazard; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on carpeting, furniture and fixtures, which increases the costs of maintaining and repairing the facilities of the Monterey Peninsula Airport; and

WHEREAS, the Board of Supervisors of the County of Monterey has passed amendments to Chapter 10.70 of the Monterey County Code relating to smoking pollution control applicable to unincorporated portions of Monterey County and the Board of Directors of the Monterey Peninsula Airport District desires to encourage the enforcement of such standards, rules and regulations as are now set forth in the Smoking Pollution Control Ordinance of the County of Monterey at the Monterey Peninsula Airport;

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Airport District do ordain as follows:

1. REPEAL OF ORDINANCE 474

Ordinance Number 474, an Ordinance of the Monterey Peninsula Airport District for the Control of Smoking Within the Monterey Peninsula Airport Terminal Building, is hereby repealed and superseded by this ordinance.

2. POLICY

It shall be the policy of the Monterey Peninsula Airport District that the standards, rules and regulations set forth in the Smoking Pollution Control Ordinance of the County of Monterey (Chapter 10.70 of the Monterey County Code) shall be enforced at the Monterey Peninsula Airport. Without limiting the generality of the foregoing, smoking shall be prohibited in all buildings and other enclosed facilities at the Monterey Peninsula Airport, except bars. As used herein "bar" means an enclosed area which is devoted to the serving of alcoholic beverages for consumption by guests on

the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area. A "bar" for the purpose of this definition does not include any area where smoke can filter into a restaurant through a passageway, ventilation system, or any other means. The policy set forth herein shall also serve as the Monterey Peninsula Airport District's smoking policy with regard to the workplace.

3. SIGNS

"No smoking" signs with letters of not less than one inch (1") in height or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in each place where smoking is regulated as directed by the District Manager or his designee, provided, however, that such posting shall not be a prerequisite or condition to the enforcement of "no smoking" requirements.

At each place where tobacco products are sold there shall be posted a sign, plainly visible, with letters not less than one-quarter inch ($\frac{1}{4}$ ") in height stating:

NOTICE

**THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER
EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW**

PHOTO ID REQUIRED.

Every restaurant at the Monterey Peninsula Airport shall have a plainly visible sign posted at every entrance clearly stating that smoking is prohibited within the restaurant.

4. TOBACCO VENDING MACHINES

As used herein, "tobacco vending machine" means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, bills, trade checks or slugs. No tobacco vending machines shall be located, installed, kept, maintained or used at the Monterey Peninsula Airport.

5. VIOLATIONS AND PENALTIES

It shall be unlawful for any person to smoke in any area where

smoking is prohibited. Any person who violates any provision of this Ordinance shall be guilty of an infraction punishable by:

A. A fine not exceeding \$100.00 for the first violation within a one-year period.

B. A fine not exceeding \$200.00 for a second violation within a one-year period.

C. A fine not exceeding \$500.00 for each additional violation within a one-year period.

6. MISCELLANEOUS

This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are declared to be severable. This Ordinance shall take effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 13th day of April, 1994, by the following roll call vote:

AYES: DIRECTORS: Haskell, Irwin, Nakamura, Searle, Chair Faul

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Signed this 13th day of April, 1994

J. Patricia Faul

J. Patricia Faul, Chair

A T E S T

Barbara Sadler
Barbara Sadler
District Secretary