

ORDINANCE NO. 474

AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT
DISTRICT FOR THE CONTROL OF SMOKING WITHIN THE
MONTEREY PENINSULA AIRPORT TERMINAL BUILDING

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, a significant health hazard, and that a majority of both non-smokers and smokers desire to have restrictions on smoking in public places; 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 Monterey Peninsula Airport Terminal Building;

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

1. Prohibition of Smoking.

Smoking shall be prohibited in all portions of the Terminal Building of the Monterey Peninsula Airport, except bars, restaurants, and private offices. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, tobacco, weed, plant, or other combustible substance in an manner or in any form. "Bar" means a fully enclosed area which is devoted to the sale and service of alcoholic beverages for consumption by guests on the premises. "Restaurant" means a fully enclosed area which is devoted to the sale and service of meals for consumption by guests on the premises, provided, however, that any sandwich stand, coffee shop, snack bar, or other food service facility not principally devoted to the service of sit-down type meals shall not be deemed a restaurant within the meaning of this Ordinance, even if said facility is fully enclosed. "Private office" means a private, fully enclosed office work space occupied exclusively by smokers, even though such an office work space may be visited by non-smokers. "Fully enclosed" means closed in by a roof and walls on all sides with appropriate openings for ingress and egress such that the enclosed space is separated from the remainder of the Terminal Building.

2. Posting of Signs.

"Smoking" or "no smoking" signs, whichever are appropriate, with letters of not less than one inch 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 by this Ordinance as directed by the Airport Manager or his designee, provided, however, that such posting shall not be a prerequisite or condition to the enforcement of this Ordinance.

3. Violations and Penalties.

It shall be unlawful for any person to smoke in any area where smoking is prohibited by the Ordinance. 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 with a one-year period.

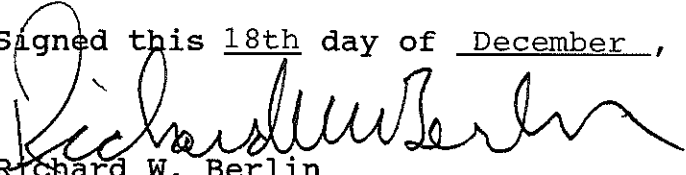
4. Miscellaneous.

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 the 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 18th day of December, 1990, by the following roll call vote:

AYES:	DIRECTORS:	Faul, Haskell, Nakamura, Searle, Chairman Berlin
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

Signed this 18th day of December, 1990


Richard W. Berlin

A T T E S T


Barbara Sadler
District Secretary