

10.70.040 - Application of Chapter to County owned or leased facilities and vehicles.

Smoking is prohibited in all enclosed facilities and vehicles owned or leased by the County of Monterey.

(Ord. 3729, 1993)

10.70.050 - Prohibition of smoking in public places.

Smoking shall be prohibited in all public places within the unincorporated areas of Monterey County, including, but not limited to, the following places:

- A. Elevators.
- B. Buses, taxicabs, and other means of public transit under the authority of the County of Monterey, and ticket, boarding, and waiting areas of public transit depots.
- C. Restrooms.
- D. Service lines.
- E. Retail stores.
- F. Common areas in apartment buildings, condominiums, retirement facilities, and nursing homes.
- G. Child day care facilities, as defined in the California Health and Safety Code, and private residences while used as family day care homes.
- H. All areas available to, and customarily used by, the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, offices, banks, hotels, and motels.
- I. Public areas of aquariums, libraries, and museums when open to the public.
- J. Within any area or facility which is primarily used for, or designed for the primary purpose of, exhibiting any motion picture, stage, drama, lecture, musical recital, or other similar performance, except when smoking is part of a stage production.
- K. Restaurants and restaurant-bar combinations.
- L. Theater-bar combinations and dinner theaters.
- M. Laundromats.
- N. Beauty shops and barber shops.
- O. Malls, except in outdoor malls in specifically designated smoking areas.
- P. Within sports arenas and convention halls.
- Q. Parks, outdoor recreation areas, and recreational trails, where such parks, recreation areas, and trails are designated as nonsmoking.
- R. Video arcades, bingo parlors, card rooms, game rooms, pool halls, dance halls, amusement centers, and bowling alleys.
- S. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the County or any political subdivision of the State during such time a public meeting is in progress.
- T. The grounds, waiting rooms, hallways, wards, and patient rooms of health care facilities, including, but not limited to, hospitals, medical centers, clinics, physical therapy facilities, and medical, dental, and chiropractic offices.

- U. Areas which share the air space - including but not limited to air conditioning, heating, or other ventilation systems, entries, doorways, open windows, hallways, and stairways - with other enclosed areas in which smoking is prohibited.
- V. At least seventy-five (75) percent of the guest rooms in every hotel and motel shall be maintained as fixed nonsmoking rooms.

(Ord. 3746 § 2, 1994)

10.70.060 - Regulation of smoking in places of employment.

- A. It shall be the responsibility of each employer to provide a smoke-free place of employment for all employees.
- B. Within ninety (90) days of the effective date of this Chapter, each employer having an enclosed place of employment located within the County shall adopt, implement, make known, and maintain a written smoking policy which shall contain the following requirement:
Smoking shall, without exception, be prohibited in all enclosed facilities within a place of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairwells, restrooms, vehicles, and all other enclosed facilities.
- C. The smoking policy shall be communicated to all employees within three weeks of its adoption, and at least annually thereafter.
- D. Each employer shall provide a written copy of the smoking policy to any existing or prospective employee who so requests.
- E. No employer or other person shall discharge, refuse to hire, discriminate against, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights to a smoke-free place of employment afforded by this Chapter.
- F. No employer or other person shall discharge, discriminate against, or retaliate against any employee who smokes, if the employee obeys the employer's nonsmoking policies and regulations.

(Ord. 3746 § 3, 1994)

10.70.070 - Regulation of the sale and distribution of tobacco products.

- A. Every person, business, tobacco retailer, or other establishment subject to this Chapter shall post, at each point of purchase of tobacco products, plainly visible with letters of not less than one-quarter inch in height stating:

Notice

The sale of tobacco products to persons under eighteen years of age is prohibited by law.
Photo id required.

- B. No person, business, tobacco retailer, or owner, manager, or operator of any establishment subject to this Chapter shall sell, offer to sell, or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser's age as eighteen (18) years or older unless the seller has some reasonable basis for determining that the buyer is eighteen (18) years of age or older.
- C. It shall be unlawful for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or by any other means other than

vendor-assisted sales.

- D. No person, business, tobacco retailer, or other establishment subject to this Chapter shall locate, install, keep, maintain, or use, or permit the location, installation, keeping, maintenance, or use on his, her or its premises any vending machine for the purpose of selling or distributing any tobacco product. Any tobacco vending machine in use on the effective date of this Chapter shall be removed within thirty (30) days after the effective date of this Chapter.

(Ord. 3746 § 4, 1994)

10.70.080 - Where smoking not regulated.

- A. Notwithstanding any other provision of this Chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this Chapter:
1. Private residences, except when used as a child care, health care, board and care, or community foster care facility.
 2. Parks, outdoor recreation areas, and recreational trails, except where such parks, recreation areas, and trails are designated as nonsmoking.
- B. Notwithstanding any other provision of this Chapter, any owner, operator, manager, or other person who controls any establishment described in this Chapter may declare that entire establishment as a nonsmoking establishment.

(Ord. No. 5185, § 1, 8-23-2011; Ord. 3746 § 5, 1994)