

Violation/Penalties

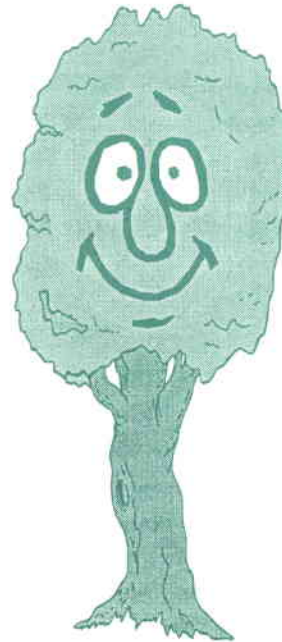
Any person, employer, business or non-profit entity, tobacco retailer, or owner, manager or operator of any establishment subject to this chapter who violates any provision of this chapter shall be deemed guilty of an infraction, punishable by:

1. A fine not exceeding **one hundred dollars** and/or five days of community service, for the first violation;
2. A fine, not exceeding **two hundred dollars** and/or ten days of community service, for a second violation of this chapter within one year;
3. A fine not exceeding **five hundred dollars** and/or fifteen days of community service, for a third violation of this chapter within one year.
 - o In addition, violators may be responsible for reimbursement to the County of any additional costs incurred for administration, re-inspection, citation, or other action necessitated by the violation.

Under the Americans with Disabilities Act, violators may be sued for **\$50,000** for the first violation and **\$100,000** for the second violation, plus attorney's fees, if a member of the public experiences damage to their health due to second-hand smoke exposure.



Clean Air



Marin County Tobacco Related Disease Control Program

10 North San Pedro Road, Suite 1013
San Rafael, CA 94903
Phone: (415) 499-3020
Fax: (415) 499-7008
Visit us at: www.smokefreemarin.com

A Guide to New Clean Air Laws

Marin County Smoke-Free Air and Health Protection Ordinance # 7.70

Secondhand Smoke is a health hazard to nonsmokers. Local and state laws now prohibit smoking in most public places in Marin County.

This brochure is a general guide to those laws. For more information or to order free "No Smoking" self-sticking decals (signs that are required by law), contact the Marin County Tobacco Related Disease Control Program at (415) 499-3020.

To download signs, read compliance tips for employers, file a complaint, view a full copy of the law, learn more about scientific criteria for the law or find programs to help smokers, go to:

www.smokefreemarin.com



Which areas are protected by this new law?

Smoking of any plant, weed, or tobacco product (including the use of a hookah pipe) is prohibited in the following indoor areas:

- All enclosed work places, 24 hours a day, including rest rooms and stairwells. This includes all work places, even those serviced by volunteers.
- Office buildings, restaurants, bars and private clubs.
- Manufacturing facilities, service stations.
- Taxis, child care or adult day care (including homes where these services are provided), lobbies, hallways, and other common areas in multiple-unit commercial facilities, senior citizen residences and nursing homes.
- Substance abuse and mental health facilities.
- Taxis, ticket, boarding, and waiting areas of public transit depots.
- Eighty percent of guest rooms in all hotel and motel, and bed-and-breakfast facilities.



Smoking is prohibited in the following outdoor areas:

The following unenclosed public places and places of employment:

- Any place where food and/or drink is offered for sale.
- Outdoor construction sites.
- Outdoor dining areas of restaurants.
- Outdoor bars with the following exception:
 - If smoking is permitted in the unenclosed area of a stand-alone bar, the entire smoking section must be limited to one designated area clearly marked with signs, and must be located at least twenty (20) feet from any doorway or opening into an enclosed area (this applies to bars, not restaurants).



20 ft
buffer

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Smoking shall be prohibited within:

- Minimum of 20 feet from any entrance, opening or exit of any enclosed area, including windows.
- Minimum of 20 feet of service lines (ATMs, ticket lines, bus stops and transit shelters, and cab stands).
- 20 feet of working road, building and construction crews.
- Outdoor courtyards of residential and commercial multi unit buildings, including swimming pools, and other areas where air circulation may be impeded.
- Recreation areas (playgrounds, sporting facilities, children's play areas, rinks).
- Public events including but not limited to, sports events, entertainment, speaking performances, ceremonies, pageants, fairs, festivals and farmer's markets.



Smoking Optional (allowed) areas:

- Private homes, except licensed day care providers for children or adults, and tobacco retail shops (where tobacco is the primary product).

No person shall dispose of smoking waste or tobacco product waste within the boundaries of an area in which smoking is prohibited.