

**Sec. 22-29. Regulation of smoking in public places.**

(a) Definitions. The following words and phrases, whenever used in this section, shall be construed as defined in this section:

1. "Beach" means any sand area of a public park within the City of Monterey that abuts the Monterey Bay and extends to the Recreation Trail.
2. "Employment" shall be defined as in California Labor Code Section [6303](#)(b).
3. "Enclosed" means closed in by a roof and four (4) walls with appropriate openings for ingress and egress.
4. "Place of employment" is any place where employment is carried on.
5. "Open to the public" means any area to which the public is invited or in which the public is permitted, including, but not limited to, common areas within hotels and motels, pharmacies, banks and other financial institutions, offices, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys, sports pavilions, boxing arenas, restaurants, bars, aquariums, museums, galleries and retail stores.
6. "Recreation trail" means the paved bicycle and pedestrian path which extends from the Monterey Bay Aquarium to the City of Seaside's limits.
7. "Smoke" or "smoking" means possessing any lighted pipe, lighted cigar, or lighted cigarette of any kind, including, but not limited to, tobacco, any weed or plant, or any other similar combustible substance in any manner or in any form.
8. "Service area" means any outdoor area in which one (1) or more persons are waiting for or receiving service of any kind, including, but not limited to, automatic teller machines (ATMs), ticket lines, bus stops, and boarding and waiting areas of public transit depots.

(b) Smoking is prohibited in the following places located within the City of Monterey except as provided in subsection (c) of this section:

1. Beaches.
2. The Recreation Trail.
3. Buildings. All enclosed areas of buildings which are open to the public.
4. Covered public parking lots and parking areas, including stairwells.
5. Buses, taxicabs, shuttles, and other means of public transportation operating in the City of Monterey.
6. Service areas.
7. City-owned vehicles.
8. Where any person or entity that either owns or exercises management and control over the property and has declared the area, where smoking would otherwise be allowed, to be a nonsmoking area and posts "No Smoking" signs as described in subsection (d) of this section.
9. Enclosed places of employment.
10. Municipal Wharf I (Old Fisherman's Wharf).