

1 shall not include the City Hall Courtyard, Town Plaza, any paved public
2 sidewalk immediately abutting the boundary of the Park or Recreational Area
3 or any parking area within the boundaries of the Park or Recreational Area.

4 **Smoking** or to **Smoke** shall mean the possession of a lighted
5 Tobacco Product, lighted Tobacco Paraphernalia, or any other lighted weed
6 or plant, including a lighted pipe, cigar, hookah pipe, or cigarette of any kind;
7 and the lighting of a Tobacco Product, Tobacco Paraphernalia, or any other
8 weed or plant, including a pipe, cigar, hookah pipe, or cigarette of any kind.

9 **Tobacco Paraphernalia** shall mean cigarette papers or wrappers,
10 pipes, holders of smoking materials of all types, cigarette rolling machines,
11 and any other item designed for the smoking, preparation, storing, or
12 consumption of Tobacco Products.

13 **Tobacco Product** shall mean:

14 A. any substance containing tobacco leaf, including but not
15 limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing
16 tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and

17 B. any product or formulation of matter containing
18 biologically active amounts of nicotine that is manufactured, sold, offered for
19 sale, or otherwise distributed with the expectation that the product or matter
20 will be introduced into the human body, but does not include any product
21 specifically approved by the United States Food and Drug Administration for
22 use in treating nicotine or tobacco dependence.

23 **§ 9.11.110 SMOKING PROHIBITED IN OUTDOOR DINING**
24 **AREAS.**

25 A. *Prohibition.* Smoking is prohibited in all Outdoor Dining Areas
26 located on private or public property, including the public right-of-way.
27 Smoking is further prohibited in all non-enclosed areas within five (5) feet of
28 any Outdoor Dining Area, except while actively passing on the way to another

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1 destination. Outdoor Bar Patios are exempted from the provisions of this
2 Section, provided the smoke does not enter adjacent areas in which smoking
3 is prohibited by law or by the owner, lessee, or licensee of the adjacent
4 property.

5 B. *Posting of Signs.* Every Outdoor Dining Area subject to the
6 prohibition set forth in subsection (A) above must have one or more
7 conspicuously displayed signs stating that smoking is prohibited in the
8 Outdoor Dining Area. Such signs must have text and/or graphics to clearly
9 indicate that smoking is prohibited in the Outdoor Dining Area and include an
10 appropriate Culver City Municipal Code citation. Any text must be clearly
11 contrasted with the background and must be a minimum of one inch in
12 height. The text must state "No Smoking," "Smoke Free Area," or another
13 phrase to clearly indicate that smoking is prohibited. Any graphics must be
14 substantially similar to the international "No Smoking" symbol, consisting of a
15 pictorial representation of a burning cigarette enclosed in a red circle with a
16 red bar across it. Such signs shall be posted in a quantity and manner
17 reasonably likely to inform individuals occupying the Outdoor Dining Area that
18 smoking is prohibited within the Outdoor Dining Area and must be made of
19 permanent, weather resistant materials.

20 C. *Time of Posting.* Every business or property subject to subsection
21 (A) above shall post the signs required by this Section within thirty (30) days
22 of the effective date of this Chapter. Every business or property which
23 becomes subject to the provisions of this Chapter after its effective date shall
24 post the required signs immediately upon commencing operations.

25 **§ 9.11.115 SMOKING PROHIBITED IN CITY PARKS AND**
26 **RECREATIONAL AREAS.**

27 A. *Prohibition.* Smoking within any Park or Recreational Area is
28 Prohibited.

1 E. Signs required by this Chapter are exempt from the sign
2 requirements in Chapter 17.330 of this Code.

3 F. The absence of signs required by this Chapter shall not be a
4 defense to a violation of any provision of this Chapter.

5 G. No person shall intimidate, threaten any reprisal, or effect any
6 reprisal, for the purpose of retaliating against another person who seeks to
7 attain compliance with this Chapter.

8 **§ 9.11.125 EXEMPTION.**

9 The provisions of this Chapter shall not apply to any person acting in a
10 scene of a live performance production or a film or television production, as
11 long as a Film Permit has been obtained, if required pursuant to the
12 provisions of Chapter 11.14 of this Code.

13 **§ 9.11.130 PENALTIES AND ENFORCEMENT.**

14 A. The remedies provided by this Chapter are cumulative and
15 in addition to any other remedies available at law or in equity.

16 B. A violation of this Chapter is subject to a civil action brought
17 by the City Attorney, punishable by a civil fine not less than one hundred
18 dollars (\$100) and not exceeding one thousand dollars (\$1,000) per
19 violation.

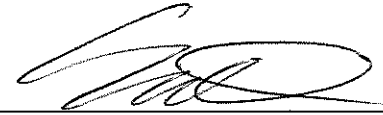
20 C. A violation of any provision of this Chapter may, in the
21 discretion of the City Attorney, be prosecuted as an infraction or
22 misdemeanor. The City Council shall, by resolution, establish the penalties
23 for a violation of this Chapter, but in no event shall such penalties exceed
24 the maximum penalties permitted under State law.

25 D. Causing, permitting, aiding, abetting, or concealing a violation of
26 any provision of this Chapter shall also constitute a violation of this
27 Chapter.

1 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
2 or words of this ordinance and as such they shall remain in full force and effect.

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APPROVED AND ADOPTED this 22nd day of September, 2008.

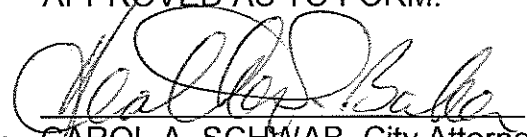


D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTEST:


MARTIN R. COLE, City Clerk

APPROVED AS TO FORM:


for
CAROL A. SCHWAB, City Attorney