

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
CHAPTER 9.44 OF TITLE 9 OF THE SAN JOSE  
MUNICIPAL CODE BY AMENDING SECTION 9.44.045  
ENTITLED "AIRPORT SMOKING REGULATIONS"  
AUTHORIZING THE DIRECTOR OF AVIATION TO  
DESIGNATE SMOKING AND NON-SMOKING AREAS AT  
ALL OUTDOOR AREAS AT THE NORMAN Y. MINETA  
SAN JOSE INTERNATIONAL AIRPORT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 9.44.045 of Chapter 9.44 of Title 9 of the San Jose Municipal Code entitled "Regulation of Smoking," is hereby amended to be numbered, entitled and read as follows:

**9.44.045 Airport Smoking Regulations**

No person shall smoke at the Norman Y. Mineta San Jose International Airport except:

- A. The Director of Aviation may, at his or her discretion, designate rooms for smoking, if such rooms meet the standards set forth in Section 6404.5(d)(13) of the California Labor Code.
- B. Smoking is permitted in rooms within an air terminal building which have been designated by the Director of Aviation as a "smoking allowed employee breakroom".
- C. The Director of Aviation may, at his or her discretion, designate specific locations for smoking and non-smoking areas at all outdoor areas at the Airport.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk