Sec. 19-130. Definitions.

(a) Eating and drinking establishment shall mean any business for which a use and occupancy permit is required or has been obtained for a food or drinking establishment pursuant to Subtitles 4 and 27.
(b) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
(c) Smoking or to smoke shall mean the act of smoking or carrying a lighted or smoldering cigar, cigarette, cigarillo, or pipe or lighting a cigar, cigarette, cigarillo, or pipe of any kind.

(CB-68-2005)

Sec. 19-131. Smoking prohibited.

(a) It shall be unlawful for any person to smoke in any eating and drinking establishment open to the public except as provided in (b) below.
(b) Smoking is not prohibited by this Section in the bar and dining area of an eating and drinking establishment that:
   (1) (A) Is a club as defined in the State alcoholic beverages law;
         (B) Has an alcoholic beverages license issued to private clubs under the State alcoholic beverages law; and
         (C) Allows consumption of alcoholic beverages on its premises; or
   (2) Is licensed pursuant to Section 6-201(r)(13) of the State alcoholic beverages law.

(CB-68-2005)

Sec. 19-132. Posting signs.

(a) Signs prohibiting smoking shall be displayed conspicuously by the owner or person having control of the eating or drinking establishment at each entrance to the premises. The signs shall contain symbols or language that smoking is prohibited and that violators are subject to a Two Hundred Dollar ($200) fine.

(CB-68-2005)

Sec. 19-133. Enforcement and penalties.

(a) The owner or person in control of an eating or drinking establishment where smoking is prohibited by this Division must refuse to serve or seat any person who smokes where smoking is prohibited and must ask the person to leave the establishment if the person continues to smoke after an initial warning.
(b) Any person found guilty of refusing to comply with a request to cease smoking shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed Two Hundred Dollars ($200).

(c) An owner or person in charge of an eating or drinking establishment found guilty of the following specific violations shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand Dollars ($1,000) and costs:

1. Failure to post appropriate signs as provided in this Division.
2. Failure to comply with Subsection (a) of this Section.

Sec. 19-134. Regulations.

(a) The County Executive shall adopt and promulgate reasonable and necessary rules and regulations for the implementation, administration and enforcement of this Division.

(CB-68-2005)