

IMPLEMENTATION OF NON- SMOKING ORDINANCE

Administrative Procedure AP 3570



Presented By:

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3570 - ADMINISTRATIVE PROCEDURE SMOKING (AP 3570)

APPLICABILITY:

- Smoking is prohibited in all indoor and outdoor Peralta Community College District's ("PCCD") campus locations and District Administrative Centers, except Board approved designated areas.

DESIGNATED SMOKING AREAS

1. College of Alameda:

- The area immediately outside the southwest corner of parking lot B;
- The grass area immediately to the east of the southernmost parking lots which is near buildings A and L.

2. Merritt College:

- All parking lots, except parking lots adjacent to the child care center, between buildings A & D, and the faculty and staff parking lot behind the A Building.

3. District Administrative Office:

- 50 feet away from all buildings in the parking lot behind the main Administrative Office building.

NO EXCEPTIONS DESIGNATED

SMOKE-FREE CAMPUSES

- **Berkeley City College:** No exceptions designed
- **Laney College:** No exceptions designated

CA. GOVT. CODE 7597.1

In relation to restricting/prohibiting tobacco use on campus, the governing bodies of the California State University, the University of California, and each *Community College District* have the authority to set enforcement standards for their local campuses and impose a fine for a first, second, and third offenses and for each subsequent offense.

If a campus adopts the enforcement and fine measures above, it shall, and the campuses of the University of California may, post signs stating their tobacco use policy on campus as specified.

ENFORCEMENT BY PERALTA POLICE SERVICES (PPS)



- Officers are keenly aware of the sensitivity and the concerns of smokers
- **Warnings** will be the first step (education is key)
- **Repeat offenders will be cited**
- **Citations** will be paid utilizing the same process as for parking tickets, with a different vendor

ENFORCEMENT *(cont.)*

APPEAL PROCESS

- Smoking citations can be appealed.
- Level 1 and Level 2 appeals, as is the case with parking citations.
 - **Level 1** - the appeal or dispute of the validity of citation. Form available at PPS.
 - **Level 2** - if dissatisfied with the results of the Level 1 appeal a Level 2 appeal can be filed in person or in writing. Forms are available at PPS.
 - **Unpaid smoking citation fees can be placed on student's account and impact his/her ability to register for future classes.**

SIGNAGE TEMPLATES



CITATION TEMPLATE

PERALTA COMMUNITY COLLEGE DISTRICT					
Notice of Violation					
Peralta Police Services				F00101000	
DATE OF VIOLATION		TIME	DAY OF WEEK		
			S M T W TH F S		
NAME (First, Middle, Last)					
MAILING ADDRESS				PHONE NO.	
CITY		STATE	ZIP CODE		
DRIVER'S LICENSE NO.		CLASS	AGE	BIRTHDATE	
SEX.	HAIR	EYES	HEIGHT	WEIGHT	RACE
DESCRIPTION		A.P.		PENALTY	
1 Smoking in non-designated area		3570		\$40.00	
LOCATION OF OCCURRENCE					
BOG	COA	DIST	LANEY	MERRITT	
VIOLATION(S) NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.					
ARRESTING OFFICER					
BADGE		RADIO IDENTIFIER		DATE	
Smoking fee must be paid within 21 calendar days by mail in the attached envelope to the Peralta Community College District, (vendor to be determined) . Please include the citation number, your name and address to ensure proper processing. FAILURE TO RESPOND WITHIN 21 CALENDAR DAYS TO THIS CITATION WILL RESULT IN ADDITIONAL PENALTIES. You may contest (appeal) the citation by mail or in person by contacting the issuing agency and request an administrative review be conducted. FAILURE TO REQUEST AN ADMINISTRATIVE REVIEW WITHIN 21 CALENDAR DAYS WILL RESULT IN THE LOSS OF YOUR RIGHT TO APPEAL.					
For additional information please call (510) 466-7237 Peralta Police Services or TBO (toll free), Vendor number here.					

Security Guard Enforcement

- Security Guards work on the weekends at College of Alameda, Laney College and Merritt College, in addition to the District Administrative Center.
- Security Guards work day and swing shifts at Berkeley City College and weekends.
- Security Guards's role will be to approach smokers who violate Peralta's non-smoking ordinance and demand that all non-smoking ordinance rules be followed.
- **Security Guards will not issue citations.**