

## **Greensburg Smoking Ordinance in Effect on November 5th**

Ordinance No. 2006-9 “Smoking in Public Places and Places of Employment” goes into effect 90 days from the date the ordinance was passed by city council on August 7, 2006. This ordinance restricts the places where smoking is allowed in public places within the city limits. All businesses within the city limits should be aware of this new ordinance. Below are some frequently asked questions and answers. Please note that this is only a summary of the ordinance and should not be construed as legal advice.

### **Where is smoking prohibited?**

“Smoking shall be prohibited in the following public places and places of employment...

- (1) elevators;
- (2) restrooms, lobbies, reception areas, hallways, and any other common-use areas;
- (3) Buses, taxicabs, and other means of public transit under authority of the city, and ticket, boarding and waiting areas of public transit depots;
- (4) Service lines;
- (5) Retail Stores;
- (6) All areas available to and customarily used by the general public in all businesses and non-profit entities patronized by the public;
- (7) Restaurants;
- (8) Public areas of aquariums, galleries, libraries, and museums;
- (9) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except for performers when smoking is a part of a theatrical production;
- (10) Sports arenas and convention halls;
- (11) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council,

commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;

- (12) Hospitals, clinics, physical therapy facilities, doctor's offices, and dentist's offices;
- (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (14) Polling places;
- (15) Private functions in other public places like restaurants, hotels and motels;
- (16) Private clubs.

#### **How does this ordinance affect places of employment?**

(a) "It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications."

(b) "Within 90 days of the adoption of this chapter, each employer having an enclosed place of employment located within the city shall adopt, implement, and comply with the smoking ordinance that shall contain the following requirements: Smoking shall be prohibited in all enclosed facilities within a place of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities."

(c) The smoking ordinance shall be communicated to all employees.

(d) All employers shall supply a written copy of the smoking ordinance upon request to any existing or prospective employee."

### **How far away from a building must smoking be prohibited?**

“Reasonable Distance” “Smoking shall be prohibited within a reasonable distance of any entrance to a public place so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. It shall be a violation for smoke to be detected in any area where smoking is prohibited.”

### **Where is smoking not regulated?**

Notwithstanding any other provision of the ordinance the following areas are not subject to the smoking restrictions

- “1. Private residences, except when used as a licensed childcare or adult day care, or health care facility.
2. Hotel and Motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 25% of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or non-smoking may not be changed, except to add additional non-smoking rooms.
3. Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.
4. Bars.
5. Outdoor places of employment.
6. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that the smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this ordinance and providing that the operator of such facility has agreed to allow smoking on the premises upon receiving such request.

### **What signs should be posted?**

“No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other area where smoking is prohibited...

**Where should signs be posted?**

“Every public place where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.”

**What else do I need to do?**

“All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this chapter by the owner, operators, manager or other person having control of such area.”

**How is this ordinance going to be enforced?**

“The mayor shall appoint and designate a City Department(s) and/or employees to enforce the ordinance.”

“Any citizen who desires to register a complaint under this ordinance may initiate enforcement with the City Department(s) and/or employees as designated by the Mayor.”

“The City Fire Department or their designees shall, while in an establishment performing otherwise legal inspections, shall inspect for compliance with the Smoking Ordinance.”

“Owners, managers, operators or employees of establishments regulated by the Smoking Ordinance shall inform persons seen violating the ordinance of the requirements of the ordinance. In the event an owner, manager, operator or employee observes a person or persons violating the smoking ordinance, he or

she shall immediately direct the person in violation to extinguish the item being smoked.”

### **What is a violation of the ordinance?**

The mere presence of a person smoking within the premises of an establishment governed by the Smoking Ordinance does not constitute a violation on the part of the establishment. The establishment and its agents shall only be charged for a violation of the Smoking Ordinance if the responsible agent(s) fail to timely satisfy each responsibility prescribed in the ordinance.

If a person who is asked to extinguish an item being smoked complies with the directive, no violation shall exist for the owner, manager, operator or employee.

If a person who is smoking refuses to extinguish the item, the owner, manager, operator or employee witnessing the violation must take steps to remove the person from the premises. In the event the person is timely removed from the premises, no violation for the owner, manager, operator or employee shall exist. In no event is an owner or agent of the premises to forcibly remove a person violating the ordinance. Compliance is achieved if the owner or agent of the premises orders the person violating the ordinance to leave and promptly notifies the police if the person refuses.

In the event an owner, manager, operator or employee observes a person violating the smoking ordinance and fails to take the appropriate steps, he or she shall be in violation of the ordinance.

### **What are the fines for violations of the ordinance?**

Any person who violates any provision of this chapter shall be subject to a fine of \$50 for each finding of a violation. If, after multiple violations by the same person or at the same business, the city legal department has reason to believe that the fines will not be effective in enforcing this chapter, then the city legal department shall be empowered to seek any other remedies provided by law.

A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter shall be guilty of an infraction, punishable by:

1. A fine not exceeding \$50 for a first violation.
2. A fine not exceeding \$100 for a second violation within 1 year.
3. A fine not exceeding \$200 for each additional violation within 1 year.

**Where can I obtain a copy of the ordinance?**

City Hall has information packets available.