

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
TOWN OF PINE RIDGE)

ORDINANCE 2009-06
WORKPLACE SMOKING BAN

AN ORDINANCE TO AMEND THE TOWN OF PINE RIDGE TOWN CODE OF ORDINANCES, CHAPTER 2, ARTICLE I, SECTION 106; BY ADDING A NEW ARTICLE THEREIN FOR THE PURPOSE OF ESTABLISHING REGULATIONS AND REQUIREMENTS RELATED TO SMOKING IN THE TOWN OF PINE RIDGE.

Pursuant to the authority of the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE PINE RIDGE TOWN COUNCIL:

SECTION I. Town Council has determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1190 is appropriate in the furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this Article. The Pine Ridge Town Code of Ordinances; Chapter 2, Article I, Building Codes; is hereby amended to add a new article, which shall read as follows:

§ 2-106 Smoking in Public Places and Places of Employment.

(a) Findings. As an incident of the adoption of this Article, the Town Council (“Town Council”) of the Town of Pine Ridge, South Carolina (the “Town”) makes the following findings:

- (1) Secondhand smoke is the third leading cause of preventable death in the United States, killing 53,000 Americans prematurely each year; and
- (2) The U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, National Toxicology Program’s Report on carcinogens, National Cancer Institute and the International Agency for Research on Cancer have all reported that secondhand smoke is a group A human carcinogen, a cancer causing substance, of which there is no safe level of exposure; and
- (3) The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy non-smokers; and
- (4) The U.S. Surgeon General has concluded that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers; and

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(b) Intent. Town Council finds that it is in the best interest of people of the Town to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, Town Council declares that the purpose of this act is: 1) to preserve and improve the health, comfort, and environment of the people of the Town of Pine Ridge by limiting exposure to secondhand smoke in the workplace; and 2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(c) Definitions.

- (1) "Employee" means any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a non-profit entity.
- (2) "Employer" means any person, partnership, association, corporation, trust, school, college, university, or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any Workplace, Work Space, or Work Spaces as defined herein, that employs (1) or more persons.
- (3) "Enclosed" means a space bounded by walls (with or without windows), a ceiling, or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.
- (4) "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established by laws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact

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operating as bars, restaurants, or entertainment venues primary for the pecuniary benefit of the owner or chief operating officer shall not be treated as private clubs under this definition when being used for a function to which the general public is allowed to enter.

- (5) “Retail tobacco store” means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products, and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of eighteen (18) is prohibited at all times.
- (6) “Secondhand smoke” is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as “side stream smoke”) and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as “passive smoking,” “secondhand smoking” or “involuntary smoking”.
- (7) “Smoking” means the inhaling, exhaling, burning, lighting, or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- (8) “Smoking materials” includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
- (9) “Workplace” means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employees(s) perform services for their employer, including but not limited to: retail food stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys.
- (10) “Work space” or “work spaces” means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, and eating areas.

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SECTION III. Conflicting Ordinance Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This Ordinance shall be enforced from and after January 1, 2010.

PINE RIDGE TOWN COUNCIL

BY: David L. Busby

David L. Busby, Mayor

ATTEST THIS THE 17TH DAY

OF NOVEMBER, 2009

Viki M. Moak

Viki M. Moak, Town Clerk

Public Hearing: October 13, 2009

First Reading: October 13, 2009

Second Reading: November 17, 2009