

**CITY OF WILLIAMSBURG, KENTUCKY
ORDINANCE NO. 13-002**

**An Ordinance of the City of Williamsburg, Kentucky
Prohibiting Smoking in All Buildings Open to the
Public or Used in Workplaces; Setting Forth Regulations
Related Thereto; Providing Certain Exemptions; and
Setting Forth Enforcement and Penalties Thereof**

WHEREAS, the City Council has researched and reviewed various reports and studies relating to smoking and second-hand smoke and the danger of same to human health; and

WHEREAS, it has been determined and the City Council has determined that smoking and second-hand smoke is dangerous to human health; and

WHEREAS, the City Council desires to protect the public health, welfare, and safety of the citizens and occupants of the City of Williamsburg, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WILLIAMSBURG, KENTUCKY, AS FOLLOWS:

Sec. 1.0 PROHIBITION

That smoking shall be prohibited in all enclosed areas within all enclosed buildings open to the public and within places of employment, except as hereinafter provided.

Sec. 2.0 DEFINITIONS

All of the words and phrases of this Ordinance are to be given their usual and customary meaning and definition unless otherwise stated; for definitional purposes and clarity, the following definitions are given:

- A. **Smoking** means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.
- B. **Enclosed Buildings** open to the public means any building open to the public or in which the public is invited or permitted, including but not limited to:
 - 1. **Libraries**
 - 2. **Areas available to and customarily used by the general public in businesses**
 - 3. **Bars**
 - 4. **Bingo Facilities**
 - 5. **Child Care and Adult Care Facilities**
 - 6. **Convention and/or Tourism Facilities**
 - 7. **Educational Facilities, both public and private**
 - 8. **Elevators**
 - 9. **Gaming Facilities**

10. **Municipal governmental facilities**
11. **Healthcare facilities**
12. **Hotels and Motels**
13. **Lobbies, Hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities**
14. **Polling places**
15. **Pool and Billiard Halls**
16. **Public transportation facilities, including buses and taxicabs, and ticket boarding, and waiting areas of public transit depots**
17. **Restaurants**
18. **Restrooms, lobbies, reception areas, hallways, and other common-use areas**
19. **Retail Establishments**
20. **Service lines**
21. **Shopping malls**
22. **Arenas and/or sports arenas and related facilities**
23. **Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances**
24. **Technology centers or facilities**
25. **Recreational Facilities where children are at play**

- C. **A private residence** is not a “public place” unless used as a childcare, adult day care, or healthcare facility;
- D. **Business** means a sole proprietorship, partnership, joint venture, corporation, limited liability company, or other business entity, either for profit or not for profit, including any retail establishment where goods or services are sold; any professional corporation or other entity where legal, medical, dental, engineering, architectural, or other professional services are delivered.
- E. **Employer** means a person, business, partnership, association, corporation, limited liability company, or other business entity, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individuals.
- F. **Places of Employment** means an enclosed area under the control of a public or private employer where employees work or to which employees have access during the course of employment including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A private residence is not a ‘place of employment’ unless it is used as a childcare, adult day care, or healthcare facility.
- G. **Enclosed** means when used in reference to an area or building or portion thereof, means closed in on all sides from floor to ceiling by solid walls, with or without windows and exclusive of doorways.
- H. **Every Person in Control of an Area** means the owner, lessee, operator, licensee or employee, servant or agent of the owner, lessee, operator or licensee of the place of employment.

Sec. 3.0 REASONABLE DISTANCE

Smoking is prohibited within fifteen (15) feet outside the main entrance, exit, or wheelchair ramp; and within a reasonable distance of all other entrances, exits, or wheelchair ramps serving entrance or exit, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas. This section shall not apply to restaurant and bar outdoor seating areas.

Sec 4.0 Where Smoking is Not Regulated: Smoking is not regulated and the following areas are exempt from the above provisions of this Ordinance:

- (A) Private residences, except when used as childcare, adult day care, or health care facility.
- (B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a motel or hotel may be so designated. All smoking rooms on the same floor must be contiguous, and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this ordinance. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (C) Private and semiprivate 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 smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance.
- (D) Retail tobacco stores, provided that smoke from these establishments does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance.

Sec. 5.0

Notwithstanding any other provisions of this ordinance, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of subsection A of Section Six of this ordinance is posted.

Sec. 6.0 POSTING OF SIGNS

- (A) The owner, operator, manager, or other person in control of a public place or place of employment shall clearly and conspicuously post "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) in every public place and place of employment where smoking is prohibited by this Ordinance.
- (B) The owner, operator, manager, or other person in control of a public place or place of employment shall conspicuously post at every entrance thereto a sign clearly stating that smoking is prohibited therein.

- (C) The owner, operator, manager, or other person in control shall remove all ashtrays from any area where smoking is prohibited by this Ordinance.

Sec. 7.0 ENFORCEMENT

The provisions of this ordinance shall be enforced by the Williamsburg City Police and/or Code Enforcement Officer.

Sec. 8.0 VIOLATIONS AND PENALTIES

- (A) A person commits an offense if he/she is smoking in an area where smoking is prohibited by the provisions of this Ordinance.
- (B) It shall be the duty of every person in control of an area where smoking is prohibited by the provisions of this Ordinance to request any person known to be smoking in such area to extinguish the burning tobacco product. Any knowing intentional failure to maintain compliance with such duty shall constitute an offense.
- (C) Whenever in this Ordinance an act is prohibited or is made or declared to be unlawful or an offense of misdemeanor, or whenever in this ordinance the doing of any thing or act is required or the failure to do anything or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$150. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this Ordinance by law.

Sec. 9.0 OTHER APPLICABLE LAWS

This ordinance shall not be interpreted or constructed to permit smoking where it is otherwise restricted by other applicable regulations and/or laws.

Sec. 10.0

All employers shall communicate the prohibition of smoking in places of employment enacted by this ordinance to all existing employees within 30 days after the effective date of this Ordinance.

Sec 11.0 SEVERABILITY

If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

That this ordinance shall be in full force and effect from and after its adoption and approval, and all ordinances or parts of ordinances in conflict herewith are repealed and held for naught.

First Reading: **January 14, 2013**

Enacted upon Second Reading this **11th** day of **February , 2013**

RODDY HARRISON, MAYOR

ATTEST: _____
TERESA H. BLACK, CITY CLERK

Date of Publication: _____