

“Tobacco product” means any product made or derived from tobacco that contains nicotine or other substances, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking devices. “Tobacco product” does not include any product specifically approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product that is being marketed and sold solely for that approved purposes.

(1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec. 1; Am. 2015, Ord. No. 15-11, sec. 1.)

Section 14-21. Prohibition of smoking in certain places.

- (a) Except as otherwise provided in this article, smoking or the use of electronic smoking devices shall be prohibited in all enclosed places within the County, including but not limited to, the following places:
- (1) Patient rooms, wards, waiting rooms, lobbies, and public hallways of public and private health care facilities, including, but not limited to, hospitals, clinics, and medical and dental offices.
 - (2) Restaurants and bowling alleys. If a restaurant or bowling alley contains an outdoor, open air or partially enclosed seating area where food and beverages are served, smoking is prohibited in this area of the establishment.
 - (3) Any enclosed or partially enclosed area or building owned, leased, operated, or maintained by the County, except for residential dwelling units which shall be regulated herein as multifamily dwellings.
 - (4) Except as provided in section 14-22, all business and not-for-profit establishments, including but not limited to, auditoriums, theaters, halls, museums, libraries, galleries, classrooms, private offices, conference or meeting rooms and all other enclosed facilities. This also includes common areas, including but not limited to, work areas, elevators, hallways, cafeterias, employee lounges, stairs, and restrooms.
 - (5) All enclosed or partially enclosed areas within multifamily dwellings that are open to the common use of all unit owners or residents, including but not limited to, lobbies, elevators, restrooms, hallways, corridors, stairways, waiting areas and recreation areas.
 - (6) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers, including but not limited to, common entrance areas, restrooms, lobbies, elevators, malls, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings.
 - (7) In the event a building is both a multifamily dwelling and a commercial building, as defined in this article, all common use areas except for private residences.
 - (8) All enclosed or partially enclosed areas within hotels that are open to the common use of the public, hotel guests, or hotel employees, including but not limited to, restrooms, lobbies, elevators, hallways, corridors, stairways, waiting areas, recreation areas, banquet halls, banquet rooms, and ballrooms.
 - (9) In the event a building is both a commercial building and a hotel, all common use areas except for hotel rooms rented to guests and designated as smoking rooms.
 - (10) All vehicles owned or leased by the County.
 - (11) Taxicabs.
 - (12) In any motor vehicle, whenever occupied by a person less than eighteen years of age.

- (13) Private residences, during hours of operation, when used as a licensed child care, adult day care or health care facility, except in residences where the care facility is physically detached from the residence or is separated from the owner's area.
 - (14) Smoking or the use of electronic smoking devices is prohibited within a presumptively reasonable minimum distance of twenty feet from any entrance to, exit from, or any fresh air intake of any enclosed area to insure that tobacco smoke or vapor does not enter the enclosed area through entrances, windows, ventilation systems, or other means.
 - (15) Areas within private residences, during hours of operation, that are used for the care of patients or clients in licensed residential care homes, except in residences where the care facility is physically detached from the residence or is completely separated by a solid wall with no other openings except closable doors or windows, which shall remain closed during hours of operation from the owner's area where clients or patients are not allowed.
 - (16) Bars.
- (b) Smoking or the use of any tobacco products, or the use of electronic smoking devices shall be prohibited at all County parks and recreational facilities listed in section 15-68.1.
(1977, Ord. No. 279, sec. 2; Am. 1977, Ord. No. 302, sec. 1; Am. 1982, Ord. No. 812, sec. 1; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec. 2; Am. 2008, Ord. No. 08-56, sec. 1; Am. 2010, Ord. No. 10-33, sec. 1; Am. 2015, Ord. No. 15-11, sec. 2.)

Section 14-22. Exceptions.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt:

- (1) Private residences, except as prohibited in sections 14-21(a)(13) and 14-21(a)(15).
- (2) Individual hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- (3) Retail tobacco stores; provided that smoke or vapor from these places shall not infiltrate into areas where smoking is prohibited under this article.

(1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2015, Ord. No. 15-11, sec. 3.)

Section 14-23. Posting of signs.

- (a) Clearly legible signs that include the words "Smoking is Prohibited by Law Including E-cigarettes and All Other Electronic Smoking Devices" or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette and a symbol of an electronic smoking device enclosed in a red circle with a red bar across it), or both, shall be clearly and conspicuously posted in every public place and place of employment where smoking or the use of electronic smoking devices is prohibited by this article, by the owner, operator, manager, or other person having control of such place.
- (b) Alternate means of notification may be employed provided the effect thereof is equivalent to the notice given by signs described in subsection (a).
- (c) Every public place and place of employment where smoking or the use of electronic smoking devices is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking or the use of electronic smoking devices is prohibited.
- (d) Any person violating any of the provisions of this section shall be issued a notice of violation and shall comply with the provisions of this section within ten days. Thereafter, the violation shall carry a fine as provided in section 14-24(b) and/or 14-24(c). Each violation cited shall constitute a separate offense.

(1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2015, Ord. No. 15-11, sec. 4.)

Section 14-24. Violations and penalties.

- (a) It is unlawful for any person to smoke in a place within the County where smoking is prohibited.
- (b) Any person violating any of the provisions of subsection 14-21(a) shall be fined not less than \$25 and not more than \$50. Any person violating subsection 14-21(b) shall be fined \$100 for each separate offense.
- (c) 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 article shall be guilty of an infraction, punishable by:
 - (1) A fine not exceeding \$100 for a first violation;
 - (2) A fine not exceeding \$200 for a second violation within one year of the date of the first violation; and
 - (3) A fine not exceeding \$500 for each additional violation within one year of the date of the preceding violation.

(1977, Ord. No. 279, sec. 2; Am. 1987, Ord. No. 87-1, sec. 2; Am. 2003, Ord. No. 03-112, sec. 2; Am. 2007, Ord. No. 07-4, sec 3.)

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