

# City of West Columbia's Ordinance Regulating Smoking in Places of Employment

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**Question:** *Why was this ordinance created by the city?*

**Answer:** Numerous medical and scientific resources provide information showing that it is in the interest of the general public and of employees in the workplace for the City to address the harmful effects of secondhand tobacco smoke.

**Question:** *What findings did the City Council make when considering this ordinance?*

**Answer:** City Council considered many facts regarding secondhand smoke, including a conclusion by the U.S. Surgeon General that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers to secondhand smoke. Numerous medical and scientific studies show an increase in levels of exposure to secondhand smoke among the United States population over the past two decades. The health effects of secondhand smoke are numerous. Secondhand smoke increases the risk of developing breast cancer in younger, premenopausal women; and when inhaled by pregnant women, secondhand smoke increases the risk for low-weight babies, pre-term delivery, and Sudden Infant Death Syndrome (SIDS). Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis, and SIDS. Unfortunately, workplaces have been shown to be locations of significant exposure to secondhand tobacco smoke by employees working in the City of West Columbia. Studies in other areas have determined that laws enforcing smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease. Laws are already in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, so it stands to reason that West Columbia should also limit exposure to secondhand smoke to further preserve and improve the health, comfort, and environment of the people in West Columbia.

**Question:** *Has this kind of an ordinance been enacted in other areas?*

**Answer:** Yes, ordinances regulating smoking have been in existence in other areas. The State Clean Indoor Air Act of 1990 has regulated smoking in public buildings, and other local governments in South Carolina have passed ordinances also regulating smoking in businesses and public areas.

**Question:** *Does this ordinance mean that I cannot smoke at work?*

**Answer:** Yes. Smoking or possessing a lighted tobacco product in any work space or workplace is prohibited.

**Question:** *What does an employer need to do to comply with this ordinance?*

**Answer:** All employers must provide a smoke-free environment for all employees working in any work space or workplace. Employers must prohibit any persons present in any work space or workplace from smoking tobacco products in those places. Employers must also post no a smoking sign at the main entrance to the workplace.

**Question:** *What are the requirements for posting “no smoking” signs?*

**Answer:** The owner, manager, or person in control of a workplace must post a clearly visible, conspicuous sign at the main entrance to the workplace. The sign must contain the words “No Smoking” and the universal symbol for no smoking. This is an example of a proper “no smoking” sign:



**Question:** *Does the City provide these signs?*

**Answer:** No. The owner, manager, or person in control of a workplace must provide the sign.

**Question:** *Where can I purchase a sign?*

**Answer:** “No Smoking” signs can be purchased from any sign manufacturer or other supplier of your choosing.

**Question:** *What is the difference between a “work space” and a “workplace”?*

**Answer:** A “work space” means any enclosed area occupied by an employee during the course of his or her employment. Examples of work spaces include offices, customer service areas, common area, hallways, waiting areas, restrooms, lounges, and eating areas. A “workplace”

means any enclosed indoor area, structure, building, or facility or any portion thereof at which one or more employees perform services for their employer. Examples of workplaces include grocery stores, retail stores, restaurants, bars, cafes, entertainment establishments, pool halls, and bowling alleys.

**Question:** *Is smoking allowed outside of buildings?*

**Answer:** Yes, you can provide an outdoor smoking area, such as a deck or a patio.

**Question:** *Where can an outdoor smoking area be located?*

**Answer:** Outdoor smoking areas must be located at least ten feet from any door which is used as an entrance to or exit from an enclosed area where smoking is prohibited. The outdoor smoking area must be situated so that tobacco smoke does not enter through the doorway.

**Question:** *From where is the ten-foot distance measured?*

**Answer:** This distance is measured from the center of the door in question.

**Question:** *I own my own business and I work alone. Can I smoke in my own business?*

**Answer:** Yes, as long as your business does not have any employees or volunteers.

**Question:** *Does this ordinance prohibit me from smoking in my own home or vehicle?*

**Answer:** No, the ordinance does not regulate smoking in private residences or vehicles.

**Question:** *Are there any other exceptions to this ordinance?*

**Answer:** Retail tobacco stores, private clubs (except when being used for a function to which the general public is admitted), religious ceremonies where smoking is part of the ritual, and hotel and motel rooms that are rented to guests and are designated as smoking rooms may permit smoking.

**Question:** *Are there additional regulations relating to smoking rooms in hotels and motels?*

**Answer:** Yes. No more than 25% of rooms rented to guests may be designated as smoking rooms. All smoking rooms must be on the same floor and must be contiguous. Smoke must not infiltrate areas where smoking is prohibited.

**Question:** *In what way may a person who does not own, manage, operate, or otherwise control a workplace or work space violate this ordinance?*

**Answer:** By smoking or possessing a lighted tobacco product in any work space or workplace.

**Question:** *What happens if a person, owner, manager, or operator fails to comply with this ordinance?*

**Answer:** An infraction of this ordinance is punishable by a fine of \$25 for each violation occurrence. Four or more violations of the ordinance by a person who owns, manages, operates, or otherwise controls a place of employment shall be a reason for and may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.

**Question:** *When will this ordinance become effective?*

**Answer:** The ordinance was passed by City Council on March 2, 2010; however, it will be enforced beginning June 1, 2010.

**Question:** *Why is there a delay between when the ordinance was passed and when it is enforced?*

**Answer:** Business owners need time to prepare and post the required signage on their property. The City of West Columbia desires to work with business to provide a clean and safe work environment, and allowed time for business owners to take make adjustments in their policies and notify workers and customers of required changes.

**Question:** *Can I get a copy of the ordinance regulation smoking in places of employment?*

**Answer:** Yes. You can view and print the ordinance at [www.westcolumbiasc.gov](http://www.westcolumbiasc.gov). You may also obtain a copy the ordinance by sending a written request to the West Columbia City Clerk.

**Question:** *Who can I call if I have more questions?*

**Answer:** You may call the City of West Columbia Police Department at 803-794-0721.

**Question:** *How do I make a complaint about a business that is not in compliance with the ordinance?*

**Answer:** Reports of violations can be made by calling the West Columbia Police Department at 803-794-0721.