

ORDINANCE NO. 1083

AN ORDINANCE ELIMINATING SMOKING IN CITY WORKPLACES

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers; and

Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, and decreased respiratory function, including broncho-constriction, broncho-spasm, and Sudden Infant Death Syndrome

Accordingly, the Prineville City Council finds and declares that the purposes of this ordinance are:

- (1) To protect the public health and welfare by prohibiting smoking in City places and places of employment; 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

1. Definitions:

The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

- A) "City" means the City of Prineville.
- B) "Employee" means any person who is employed by the City in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for the City.
- C) "Enclosed Area", "Enclosed Facility", and "Enclosed Facilities" mean all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partition which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.
- D) "Place of Employment" means any enclosed area under the control of the City as employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias, and hallways.
- E) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant, or combustible substance in any manner or in any form.

2. Application of Article to City-owned Facilities and Places of Employment:

All enclosed facilities owned by the City and Places of Employment where City is the employer shall be subject to the provisions of this article.

3. Prohibition of Smoking:

Except as stated in Section 9, smoking shall be prohibited in all enclosed City-owned and operated facilities within the City including, but not limited to, the following places:

- A) Elevators
- B) Restrooms, lobbies, reception areas, hallways, and any other common-use areas.
- C) All vehicles and other means of transit under the authority of the City.

4. Prohibition of Smoking in Places of Employment:

- A) It shall be the responsibility of the City to provide a smoke-free place of employment for all employees, but the City is not required to incur any expenses to make structural or other physical modifications.
- B) The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.
- C) The City shall supply a written copy of this Ordinance upon request to any existing or prospective employee.

5. Reasonable Distance:

Smoking shall occur at a distance outside any enclosed area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or by any other means.

6. Posting of Signs:

- A) "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 by this ordinance, by the owner, operator, manager, or other person having control of such building or other areas.
- B) Every public place where smoking is prohibited by this ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited
- C) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this ordinance by the person having control of such area. However, ashtrays are allowed at entrances so that

burning cigarettes, etc. may be disposed of prior to carry.

7. Enforcement:

Enforcement of this ordinance shall be implemented by the City Manager, Chief of Police, or designees of either of them.

8. Non-retaliation:

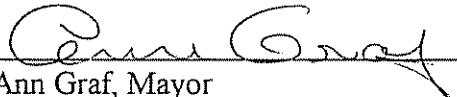
No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment, or other person because such employee, applicant, or other person exercises any right to a smoke-free environment afforded by this ordinance.

9. Violations and Penalties:

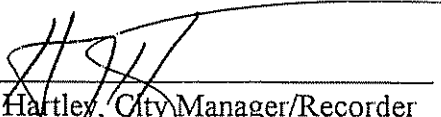
- A) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this ordinance.
- B) Any person, after warning by the City Manager, the Chief of Police, or designees of either of them, who violates any provision of this ordinance shall be guilty of an infraction, punishable by:
 - 1) A fine not exceeding one hundred dollars (\$100) for the first violation.
 - 2) A fine not exceeding two hundred dollars (\$200) for a second violation of this ordinance within a one (1) year period.
 - 3) A fine not exceeding five hundred dollars (\$500) for each additional violation of this ordinance within a one (1) year period.
- C) The City of Prineville Police Department shall be responsible for, or assist in, the issuance of citations for violations of this ordinance.
- D) Violation of this ordinance by a City employee shall be cause for discipline.

10. Notwithstanding any of the above language to the contrary, the Lounge area at the Restaurant at Meadow Lakes Golf Course shall not be subject to the non-smoking provisions of this Ordinance.

DATED THIS 22nd DAY OF AUGUST, 2000.


Ann Graf, Mayor

Attest:


Henry Hartley, City Manager/Recorder