

CHAPTER 370
SMOKING IN PUBLIC PLACES

370-1. Definitions

As used in this Chapter:

“Business” means person, partnership, agency, association, club, limited liability company or corporation (including not for profit corporation).

“Enclosed” means closed in by a roof and four walls with appropriate openings for ingress and egress.

“Place of Employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, employee cafeterias and hallways. A private residence is not a “place of employment” unless it is used as a child care, adult day care or health care facility.

“Public places” means any enclosed indoor area used by the general public.

“Smoking” means the act of possessing a lighted or smoldering cigar, cigarette or pipe that utilizes tobacco or other combustible materials.

370-2. Smoking Prohibited in Public Places

Smoking is prohibited in all public places, and places of employment.

370-3 Exception

The prohibition of Section 2 shall not apply to property owned or leased by governmental entities other than Monroe County.

370-4. Posting of Signs Required.

- (A) If smoking is prohibited by this Chapter, a business shall post conspicuous signs at all entrances to the public place which advise that smoking is prohibited.
- (B) It shall be a violation of the provisions of this Chapter for any person to remove or deface a sign posted as required herein, and such persons shall be subject to the penalty provisions contained in Section 7 of this Chapter.

370-5. Smoking Prohibited in Vehicles with Children Present

Smoking is prohibited in a motor vehicle, either at rest or in motion, in which there is present a person thirteen (13) years of age or younger. A law enforcement officer shall not stop a vehicle for the sole purpose of determining whether there is a violation of this section.

370-6 Other Local Laws

The provisions of this Chapter are not intended to supersede any local laws which are more restrictive.

370-7. Penalty

Any person who violates any provision of this Chapter commits a Class D Ordinance Violation pursuant to Chapter 115 of the Monroe County Code. Each day of violation of this Chapter constitutes a separate violation.

370-8. Severability

If any section or sentence or provision of this Ordinance, or the application thereof to any person or circumstances shall be declared unconstitutional or invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

[end of chapter]