

ORDINANCE NO.: 2009-041

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5,
Regulations and Requirements Relating to Smoking of Tobacco Products,
Sec. 8-221 Jurisdiction, enforcement and penalties*

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BE IT ORDAINED by the Mayor and Council this 3rd day of June, 2009, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-221, Jurisdiction, enforcement and penalties is amended to read as follows:

Sec. 8-221. Jurisdiction, enforcement and penalties.

- (a) An infraction of this division is hereby declared to be a public nuisance.
- (b) A manager, supervisor or any other person who owns, operates, or otherwise controls a workplace or work space and who fails to comply with the provisions of this division shall be guilty of an infraction.
- (c) A person smoking or possessing a lighted tobacco product in any workspace or workplace shall be guilty of an infraction.
- (d) Each infraction shall be punishable by a civil penalty of \$25.00. The city shall serve a uniform ordinance summons upon the infractor.
- (1) The city, in addition to or in lieu of assessing or collecting a civil penalty, may institute a civil action in the circuit court in the county in which the infraction occurred seeking (i) a mandatory injunction requiring compliance with this division, (ii) a declaration that the infraction is a public nuisance and an order requiring abatement of the public nuisance, or (iii) for any other remedy permitted by law.
- (2) If three or more infractions occur within a six-month period at a workspace or workplace subject to this division, such shall be deemed to be a nuisance related to the business.
- (e) Appeals.
The filing of an appeal shall not act as a stay of the city's right to institute any civil action as described above.
- (f) Each infraction and on each day which an infraction of this division occurs, shall be considered a separate and distinct infraction.

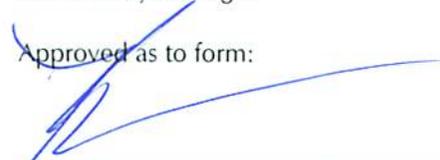
Requested by:


MAYOR

Approved by:


Interim City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 5/20/2009

Final Reading: 6/3/2009