

WASATCH COUNTY HEALTH DEPARTMENT
Rule 08-1
Regulation on Smoking in Outdoor Public Places

1.0 PURPOSE

- 1.1 Protect public health, safety and general welfare by prohibiting smoking in outdoor public places under circumstances where other persons will be exposed to the toxic effects of second hand smoke.
- 1.2 Protect the public and the environment from tobacco related litter and pollution.
- 1.3 Recognize the right of residents and visitors to the County to be free from unwelcome second hand smoke and affirm a family-friendly atmosphere in the County's public places.
- 1.4 Reduce the potential for children to associate smoking with a healthy lifestyle.

2.0 DEFINITIONS

- 2.1 Smoking means the possession of any lighted tobacco product in any form.
- 2.2 Playground means any park or recreational area specifically designed to be used by children that may have play equipment installed or has been designed or landscaped for play.
- 2.3 Play Pit means any designated play area within a public park for use by children. The boundary of a play pit shall be defined by the edge of the resilient surface of safety material, such as concrete, wood or any other material surrounding the play pit.
- 2.4 Mass Gathering means an outdoor assembly of people as defined by permit requirements from the Wasatch County Health Department.
- 2.5 Pathway means any pathway located in a public area intended for walking, jogging or biking.
- 2.6 Outdoor places of incidental public gathering is any outdoor place, public or private, where people congregate while waiting for service, entry or to conduct a transaction.
- 2.7 Second Hand Smoke (SHS) – Smoke from burning tobacco products includes both side stream smoke and mainstream smoke. Side stream smoke comes from the burning end of a cigarette, cigar or pipe. Mainstream smoke is exhaled by the smoker.

3.0 GENERAL REQUIREMENTS

- 3.1 Smoking is prohibited in and within 25 feet of all publicly owned areas and privately owned areas that are open to the general public where the following exist: playgrounds, play pits, play structures, bleachers, sports fields, ball diamonds, basketball courts, concession stands, skate parks, skateboard and ice skating areas, swimming pools, boweries, outdoor dining areas, pathways, fairgrounds, mass gathering areas and areas of incidental public gathering including, but not limited to lines for ATMs, tickets lines, public phones and public restrooms.
- 3.2 Smoking is also prohibited in any other place where a no smoking sign is posted by the property owner.

4.0 EXCEPTIONS

- 4.1 This regulation does not apply to smoking areas for employees. Designated employee smoking areas are subject to the Utah Indoor Clean Air Act 26-38-1-9.
- 4.2 Business owners or event planners may apply for a permit from the Wasatch County Health Department to install a marked "Designated Smoking Area" within an outdoor public place. The Department may grant the permit after consultation with the property owner or the governing body of the public property if the designated smoking area is:
 1. Clearly marked as a smoking area.
 2. Located in an area that would minimize exposure of non-smokers to second hand smoke.

5.0 ENFORCEMENT

- 5.1 This regulation will be enforced as provided in the Local Health Department Act of the Utah Code which states:

UCA 26A-1-123(5)(a) any person, association, corporation or the officers of the association or corporation who violates any provision of this section are:

1. On the first violation guilty of a class B misdemeanor
2. On the subsequent similar violation within two years, guilty of a class A misdemeanor.

6.0 POSTING OF SIGNS

6.1 No Smoking signs may be posted at restricted areas. Although signs may be posted, absence of a sign does not mean smoking is allowed.

7.0 SEVERABILITY

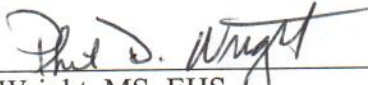
7.1 In the event any court of competent jurisdiction should declare any particular clause or sentence of this regulation invalid or unconstitutional, the remaining portions shall remain in full force and effect. Toward that end the provisions of these regulations are declared to be severable.

8.0 EFFECTIVE DATE


8.1 This regulation shall take effect on 15 April 2008.

IN WITNESS WHEREOF, the Wasatch County Board of Health has passed, approved and adopted this regulation this 15 day of April, 2008

ATTEST: WASATCH COUNTY BOARD OF HEALTH



Phil Wright, MS, EHS
Director of Health



Connie Tatton
Chairperson