

UTAH COUNTY BOARD OF HEALTH
REGULATION ON SMOKING IN OUTDOOR PUBLIC
PLACES

Under Authority of Section 26A-1-121

Utah Code Annotated, 2008

Adopted by the Utah County Board of Health on November 24, 2008



Rulon J. Barlow, Board Chair

1.0 PURPOSE

1.1 The purposes of this regulation are to:

1.1.1 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 SECONDHAND SMOKE.

1.1.2 Protect the public and the environment from tobacco related litter and pollution.

1.1.3 Recognize the right of residents and visitors to the County to be free from unwelcome SECONDHAND SMOKE and affirm a family-friendly atmosphere in the County's public places.

1.1.4 Reduce the potential for children to associate SMOKING with a healthy lifestyle.

2.0 APPLICABLE LAWS AND REGULATIONS

2.1 Municipalities/Businesses/Organizations are required to comply with the following applicable laws and regulations which are referenced below:

2.1.1 Utah Indoor Clean Air Act 26-38-1 to 9

2.1.2 Utah Indoor Clean Air Act Rule 392-510-1 to16

2.1.3 Utah Secondhand Smoke Amendments 57-8-16-7(b) & 57-22-5-1(h)

2.1.4 Utah Code for **Local Health Authorities** 26A-1-121

3.0 DEFINITIONS

3.1. "Public Park" means and includes city-owned parks, public squares, ball diamonds, soccer fields, and other recreation areas, but not designated smoking areas specified by the city.

3.2. "Mass gathering" means an outdoor assembly of 100 or more people on city-owned property that reasonably can be expected to continue for two or more hours.

3.3. "Smoke" or "smoking" means and includes: possession, carrying, or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette or any kind, or of any other lighted smoking equipment.

4.0 CREATION OF SMOKE-FREE OUTDOOR PUBLIC PLACES

4.1 Smoking is hereby prohibited in public parks and within fifty (50) feet of mass gatherings.

5.0 EXCEPTIONS

5.1 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.

5.2 This regulation does not apply in cities within Utah County in which the city has adopted, by ordinance or by administrative policy, regulations governing smoking in public parks or other public places.

6.0 PENALTIES AND ENFORCEMENT

6.1 Penalties

6.1.1 The Utah County Board of Health recommends the penalty for violating this regulation be \$25.00 for the first offense and \$100.00 for subsequent offenses within a two year period of the first violation.

6.2 Enforcement of Penalties

6.2.1 Any peace officer or city code enforcement officer may enforce the penalty of this regulation.

7.0 POSTING OF SIGNS

7.1 No Smoking Signs shall be clearly posted in every OUTDOOR PUBLIC PLACE.

7.2 Signs shall include the international "No Smoking" symbol.

7.3 Signs shall be posted by June 1, 2009.

8.0 SEVERABILITY

8.1 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.

9.0 EFFECTIVE DATE

9.1 This regulation shall take effect on January 1, 2009.