

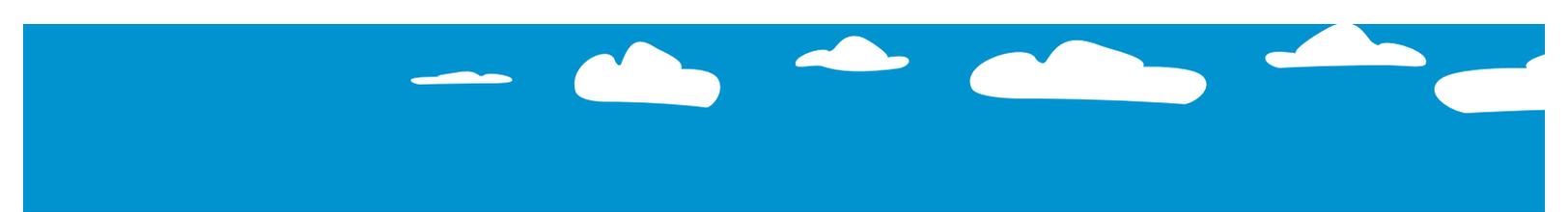


S A V A N N A H
SMOKEFREE AIR
ORDINANCE of 2010

ENFORCEMENT GUIDE



Effective January 1, 2011



What is the Savannah Smokefree Air Ordinance of 2010?

In August 2010, the Mayor and Aldermen of the City of Savannah voted overwhelmingly to pass an ordinance to eliminate smoking in all workplaces. Effective at noon on January 1, 2011, the new law expands the Georgia Smokefree Air Act to prohibit smoking in all public places and workplaces in the City of Savannah.

Where is smoking NOT allowed?

If a business has employees and/or allows the public inside the business, then it must be smokefree. Specifically, smoking is prohibited in:

- All enclosed facilities, including vehicles and buildings owned, leased or operated by the State or the City of Savannah.
- All enclosed public places within the City of Savannah
- All enclosed areas within places of employment.
- Any place in which a non-smoking sign is posted.

Where is smoking prohibited outdoors?

In and within 10 feet or a Reasonable Distance of:

- Any entrance, operable window or ventilation system of enclosed areas where smoking is prohibited when the area is open for business or is occupied by one or more persons.
- Outdoor seating or serving areas of bars and restaurants
- Outdoor arenas, stadiums and amphitheaters
- Bleachers or grandstands at sporting or other public events
- Public transportation stations and shelters
- Service lines
- Playgrounds

What does “Reasonable Distance” mean?

Reasonable Distance means a minimum of 10 feet or a distance that is sufficient to ensure indoor areas remain smokefree by preventing smoke from infiltrating enclosed public places through any entrance, exit, window, vent or air intake system of a building where smoking is prohibited. This is also to protect persons entering or exiting from involuntarily inhaling second-hand smoke.

If a barrier, such as a wall, property line, parking lot, or street makes it impossible to have a 10-foot smokefree buffer, then the business owner, building owner, agent, operator, person in charge or proprietor of a public place should determine the maximum distance between the outdoor smoking area and the entrance, exit, window, or air intake system of a building where smoking is prohibited.

Businesses with any questions concerning this requirement should contact the Citizen’s Office at (912) 351-6527.

What types of smoking are included?

Cigarettes, cigars, pipes, e-cigarettes, and waterpipes are all prohibited.

Where is smoking allowed?

1. **Some restaurants and bars meeting specific square footage requirements may allow smoking in no more than 20% of their outdoor areas. Specifically:**
 - The outdoor service area must be a minimum of 50% (one-half) of the square footage of the indoor service area.
 - Tables designated as smoking must be contiguous.
 - Signage must be posted stating: “Smoking is permitted at this table due to an exemption in the City of Savannah Smokefree Air Ordinance of 2010.”

- Businesses who believe they qualify for this exemption should contact the City of Savannah Citizen's Office at 912-651-6420 for a certification letter.

Examples:

- If the outdoor serving area has ten tables, a maximum of two contiguous tables may be designated as a smoking section provided the square footage requirements are met.
 - If the indoor serving area of the restaurant is 1000 square feet and the outdoor service area is 600 square feet, then a maximum of 120 square feet (such as twelve feet by ten feet) may be designated as a smoking section.
2. **As under the state law, hotels and motels are permitted to designate up to 20% of their occupied rooms as smoking rooms.**
 3. **Two Hookah lounges in existence prior to the passage of the ordinance will be allowed to continue hookah pipe smoking provided that:**
 - Only 100% tobacco-free products are used.
 - Notice must be posted at all entrances and on the menu stating "Only 100% tobacco-free shisha permitted pursuant to the City of Savannah Smokefree Air Ordinance of 2010."
 - This exemption is non-transferable and expires should the business cease operating, change ownership or stop allowing hookah smoking.
 4. **Private residences used as businesses are exempt provided they are not licensed child care, adult daycare or healthcare facilities.**

Other than these four exemptions, indoor air in Savannah is 100% smokefree.

How difficult will this be to enforce?

Over twenty-thousand municipalities across the country are currently covered by smokefree ordinances. Rarely has it ever been necessary to cite citizens or businesses for violation of these laws. Just as Georgia's existing law prohibiting smoking in restaurants rarely requires intervention, it is anticipated this law will be self-enforcing as well. In most instances, when a patron lights up in a facility where smoking is prohibited, they will extinguish their cigarette when asked.

The important role our police department plays in the safety of our community is valued and appreciated. This purpose of the ordinance is to protect workers and the public from involuntary exposure to secondhand smoke. It is not intended to create additional work for our hardworking officers or to turn them into the "Smoking Police."

The City of Savannah Citizen Office and Healthy Savannah volunteers will proactively work to educate businesses and the public about the new ordinance. If you see a violation occur, please remind the smoker about the new law and ask them to put out their cigarette. You may also remind the business of their responsibility to ensure their facility is smokefree.

If a patron or business refuses to comply, the Ordinance allows Metropolitan Police officers to ticket offenders. The Citizen Office should also be notified so they can follow up with additional education for the business owner.

What are the penalties?

- A person who smokes in an area where smoking is prohibited can be fined up to \$100.
- A business that permits smoking can be fined up to \$100 for a first violation, \$200 for a second violation within one year, and \$500 for each additional violation within one year.
- The City may also suspend or revoke permits or licenses issued to business that are habitual violators of the ordinance.
- Violation of the ordinance is considered a public nuisance which may be abated by the City Manager by restraining order or other means, and the City may take action to cover the costs of enforcement.



Should signs be posted?

- All businesses and public places are required to clearly and conspicuously post at the main entrance a minimum of one “No Smoking” sign, which can be the international “No Smoking” symbol.
- Vehicles that are considered a place of employment must also post a “No-Smoking” sign that is visible from the exterior.
- To request complimentary signage or to download free signs for your business or your company vehicles, visit www.healthysavannah.org/smokefree.

What should a business owner do if someone lights up inside their business?

- First, they should tell the person about the ordinance and ask the person to stop smoking. It may be helpful to point to the “No Smoking” signage at the doorway. They should ask them to simply step outside if they would like to smoke. In most situations, this should take care of the matter.
- If the person refuses to put out whatever they are smoking, then they should ask them to pay up and leave immediately.
- If the person refuses to leave, then they should call the police

A business cannot be cited for violation if they have followed this protocol.

Can customers or employees report a violation?

Yes. Anyone may report violations of the Savannah Smoke-free Air Ordinance by calling the City of Savannah non-emergency telephone number by dialing 311. A person from the Citizen Office will contact the complainant and will educate the business owner and operator concerning the provisions of the ordinance.

Who can inspect for compliance?

City inspectors and Coastal Health District representatives may inspect for compliance wherever they have jurisdiction.

How can I get more information about the City of Savannah Smokefree Air Ordinance of 2010?

Contact the City of Savannah Citizen Office at (912) 351-6527.

A copy of the ordinance is available at www.healthysavannah.org/smokefree and on the City of Savannah website, www.savannahga.gov



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