

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 008-10HR

AN ORDINANCE TO AMEND THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-6, SMOKING OF TOBACCO PRODUCTS; SO AS TO CLARIFY THE ENFORCEMENT AND PENALTIES.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6. Smoking of Tobacco Products; Subsection (f); is hereby amended to read as follows:

(f) *Posting of Signs.* The owner, manager or person in control of a Workplace shall post a conspicuous sign at the main entrance to the Workplace, which shall contain the universal symbol for no smoking. Signs shall be no smaller than 3 1/2 inches by 3 1/2 inches.

SECTION II. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6. Smoking of Tobacco Products; Subsection (h); is hereby amended to read as follows:

(h) *Jurisdiction, Enforcement and Penalties.*

- (1) A person who owns, manages, operates, or otherwise controls a Workplace or Work Space and who fails to comply with the provisions of this Section shall be deemed guilty of an infraction.
- (2) A person smoking or possessing a lighted tobacco product in any Work Space or Workplace shall be guilty of an infraction.
- (3) Penalties.
  - a. An infraction is punishable by a fine of twenty-five dollars (\$25). Each incidence of violation of this Section, whether by an individual or by an owner, manager or person in control of a Workplace or Workspace, shall be considered a separate and distinct infraction. A violation of this Section is furthermore declared to be a public nuisance. All infractions punished according to this Section shall be adjudicated through the State's normal magisterial judicial process, culmination in the collection of any fines levied.
  - b. If an owner, manager or person in control of a Workplace or Workspace is cited for three (3) or more infractions occurring within such Workplace or Workspace within a six (6) month period, the Workplace shall be deemed a public nuisance and shall have its business license revoked, if already issued, or its business license application denied, if a business license has not been issued; provided, however, that this subparagraph b. shall not apply if, after investigation, the Business Service Center Director determines that the following conditions have been met by the Workplace;
    - i. The postings required in subsection (f) above are present and in compliance with this section; and

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- ii. The owner, manager, person in control and/or employees of the Workspace consistently verbally advise those customers or patrons in violation of this section to stop smoking or otherwise comply with these regulations.

Such determination may be reconsidered as often as is deemed necessary by the Business Service Center Director.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be enforced from and after February 2, 2010.

RICHLAND COUNTY COUNCIL

BY: Paul Livingston  
Paul Livingston, Chair

ATTEST THIS THE 22<sup>ND</sup> DAY

OF FEBRUARY, 2010

Michelle R. Cannon-Finch  
Michelle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Richland County Attorney's Office

Elizabeth A. Mc  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

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No Opinion Rendered As To Content

First Reading: December 15, 2009  
Second Reading: January 5, 2010  
Public Hearing: January 19, 2010  
Third Reading: February 2, 2010