

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE
Amending Cayce City Code Chapter 35
("Smoking in Places of Employment")

WHEREAS, the Council previously adopted, on March 2, 2010, a new Chapter 35 of the Cayce City Code entitled "Smoking in Places of Employment" to become effective June 1, 2010; and

WHEREAS, the Council has determined that it is in the interest of the City and the public to amend Chapter 35 to accommodate certain currently existing situations in places of employment and to clarify the intent of the Council so as to avoid certain unintended consequences of enforcement of the Chapter as adopted,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that portions of Chapter 35 ("Smoking in Places of Employment") of the Cayce City Code are hereby amended as follows:

(1) Section 35-1(a) (9) is amended to read:

"Workplace" means any enclosed indoor area, enclosed structure, enclosed building, enclosed facility, or any exterior portion thereof enclosed on at least three sides, at which one (1) or more employee(s) perform services for their employer, including but not limited to retail food stores, retail stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys. A motor vehicle is not a "workplace."

(2) Section 35-1(a) (10) is amended to add, at the end of the current text, a sentence to read:

A motor vehicle is not a "work space."

(3) Section 35-1(c) is amended to add a subsection (6) to read:

A dedicated smoking room, existing on or before the effective date of this Chapter, that is contained within an enclosed building and that, by means of a mechanical exhaust system, removes all smoking room air to the exterior of the building with no air leakage to the interior of the building and no mixture of smoking room air with air circulated elsewhere in the building.

(4) Section 35-1(c) is further amended to add a subsection (7) to read:

Work areas, existing on or before the effective date of this Chapter, that are located within manufacturing businesses or automotive repair facilities, that have ceilings greater than twenty feet above floor level, and that are open to the outside on at least two full sides of the work area.

(5) Section 35-1(f) is amended to delete the words “any occupancy permit or” and to add certain language to read:

In addition to the fines established by this Section, four (4) or more violations of this Section by a person or persons who own, manage, operate, or otherwise control a place of employment shall be a reason for and may result in the denial, suspension or revocation of the business license issued for the premises on which the violations occurred if it is determined by the business license official that the violations were the result of the person’s or persons’ actions or inactions.

This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this ____ day of _____, 2010.

Elise Partin, Mayor

ATTEST:

Tammy P. Barkley, Municipal Clerk

First reading: _____

Second reading and adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney