



THE TOWN OF  
*Irmo*  
GATEWAY TO LAKE MURRAY

October 18, 2022 @ 7:00pm

Irmo Municipal Building – 7300 Woodrow Street, Irmo, South Carolina

Live streaming will be available from our YouTube channel at:

<https://www.youtube.com/c/TownofIrmo>

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## **AGENDA**

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Reading of Minutes – September 20, 2022 & October 4, 2022.
- V. Report of Standing
  - A. Administrative Briefing
  - B. New In-Town Businesses
    - Homeowners Mortgage, LLC – 90 North Royal Tower Drive
    - Poore House Furnishings – 7565 St. Andrews Road
    - Blush Esthetics – 10628 Broad River Road
    - Roy's BBQ & Grille, LLC – 7971 N. Woodrow Street
    - Infancia Woods Preschool – 83 St. Albans Road
- VI. Amendments to the Agenda
- VII. Consideration of Communication
  - A. Recognition of Wyche Warren Scarimbolo, CPA, LLC as the October 2022 Small Business of the Month.
  - B. School Showcase:
    - 1. H.E. Corley Elementary School Leadership Magnet & Montessori Magnet – Principal Jason Pollock (Waldman).
  - C. Artist of the Month: Trish Gillam.
- VIII. Presentation by Citizens (Agenda Items IX and X only)



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**IX. UNFINISHED BUSINESS**

- A. **SECOND AND FINAL READING of Ordinance 22-31** to rezone TMS# R03203-03-01 (+/- 30 acres) from Fringe Agricultural (FA) to Office Commercial (CO) (Planning Commission). This is part of a commercial development request for a self-storage facility and three (3) out parcels. The parcel has recently been subdivided for this project.
- B. **SECOND AND FINAL READING of Ordinance 22-33** to amend the Irmo Town Code Chapter 2, Article II, Division 3, Section 2-95 – Death of ordinance; reintroduction (Waldman). This will change the language from three readings to two readings as reflected in previous Ordinance 20-19.
- C. **SECOND AND FINAL READING of Ordinance 22-34** to amend Appendix A – Zoning and Land Development Article 6, Section 6-1.3, Subsection 11 (Planning Commission). This will require bike racks on retail commercial developments that generate foot traffic and add maneuverability requirements within parking lots.
- D. **SECOND AND FINAL READING of Ordinance 22-35** to amend the Irmo Town Code Chapter 8 by adding Article III – Construction Board of Adjustments and Appeals (Staff). This would create a board to hear appeals of building codes in accordance with the 2018 version of the International Building Code that has been adopted.

**X. NEW BUSINESS**

- A. **FIRST READING of ORDINANCE of Ordinance 22-36** to amend the Irmo Town Code Chapter 14, Article VI, Section 14-171 – Smoking in Public Places and Places of Employment (Sickinger). This will add a definition of electronic cigarettes and remove any “grandfather clause” to make Irmo eligible for a Smoke-Free Palmetto State Certification.
- B. Approval to use \$25,000 from Okra Strut funds to sponsor a gun buy-back program (Okra Strut Commission). This money will be used to support the Universal Outreach Church in hosting a buy-back program with Irmo PD by paying for unwanted guns.
- C. Approval to upgrade the audio/visual equipment through Gattis Pro Audio within the municipal building in the amount of \$13,033 (Staff). This will replace an aging tv, microphones, improve the audio, and relocate equipment into a server closet.
- D. Approval to accept a grant award in the amount of \$27,373.61 from the Firehouse Subs Public Safety Foundation to purchase 12 AEDs for the Police Department (Staff). This is a 100% grant for AEDs, accessories, and training.
- E. Approval to cancel the December 6, 2022, Workshop (Mayor).



XI. Presentation by Citizens

XII. Discussion

A. Discussion on the Irmo Town Flag (Sickinger).

XIII. Executive Session – Council may act on items discussed in executive session after returning from the executive session.

XIV. Adjournment

*In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Irmo will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need an accommodation to attend the meeting, please contact the Town Administrator or Municipal Clerk for assistance at (803)781-7050, M-F between the hours of 8:30 – 5:00 (closed most Federal and State Holidays).*

STATE OF SOUTH CAROLINA )

ORDINANCE 22 - 31

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TOWN OF IRMO )

**AN ORDINANCE TO AMEND THE TOWN OF IRMO'S OFFICIAL ZONING MAP TO REZONE TMS# R03203-03-01 FROM FA (FRINGE AGRICULTURAL) TO CO (OFFICE COMMERCIAL) ON THE EFFECTIVE DATE OF THIS ORDINANCE.**

**BE IT ORDERED AND ORDAINED, BY THE TOWN OF IRMO, SOUTH CAROLINA, IN COUNCIL DULY AND LAWFULLY ASSEMBLED AND BY THE AUTHORITY THEREOF**

**WHEREAS**, the Town of Irmo desires to strengthen its Zoning Ordinance and Land Development Regulation and reconcile the associated zoning standards with its Official Zoning Map;

**WHEREAS**, the adoption of the official map is a regulatory requirement per *SC Code § 6-29-760 and SC Code § 6-7-1230 through SC Code § 6-7-1260*;

**WHEREAS**, the Town Official Zoning Map is the visual reference to the Town's zoning districts and applicable standards;

**WHEREAS**, the rezoning references +/- 30 acres. The developer seeking a change from Fringe Agricultural (FA) to Office Commercial (CO) zoning for a self-storage facility and up to three commercial developments off Farming Creek and Dreher Shoals Road;

**WHEREAS**, the Town and its Planning Commission per *SC Code § 6-29-760 Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges* met the State's zoning procedural standards. Simply, notice was advertised in The New Irmo News 15 days before the public hearing, letters sent to the property owner and property owners within 300 feet of the property, and appropriate posting on the property;

**WHEREAS**, the Planning Commission recommended CG (General Commercial) zoning designation for a portion of the property and the amendment to the Official Zoning Map on Monday, August 1, 2022.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of October 2022.

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Barry A. Walker, Sr., *Mayor*

ATTEST:

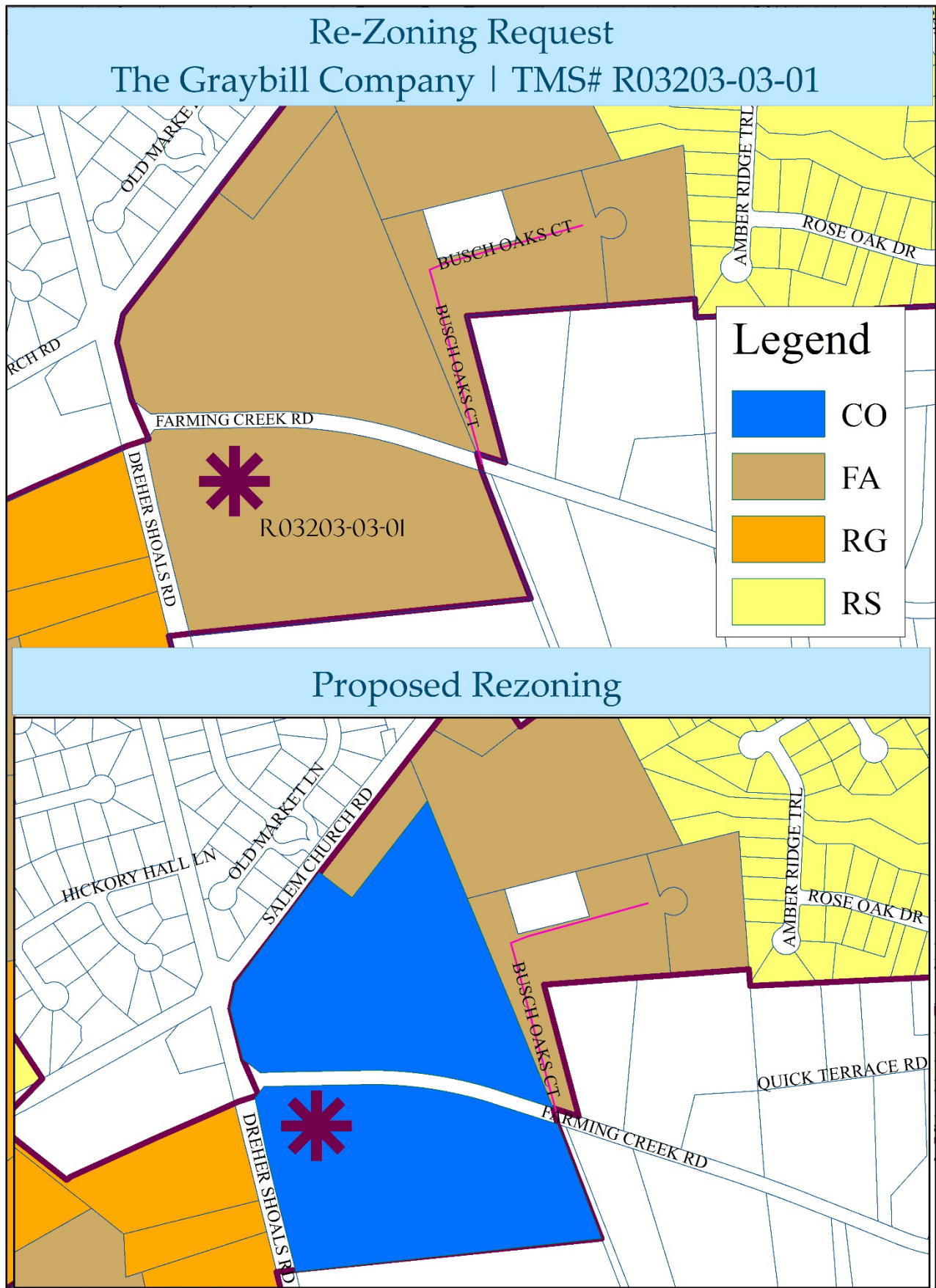
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Renee Caviness, *Municipal Clerk*

1<sup>st</sup> Reading: August 16, 2022

2<sup>nd</sup> Reading: October 18, 2022

Public Hearing: September 20, 2022



STATE OF SOUTH CAROLINA     )  
   )  
TOWN OF IRMO                                     )

**ORDINANCE NO. 22-33**

**AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 2 – ADMINISTRATION; ARTICLE II, COUNCIL; DIVISION 3, ORDINANCES AND RESOLUTIONS; SECTION 2-95 ENACTMENT OF ORDINANCES.**

**BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:**

Subsection 4:

Remove the reference of “three readings” and change to “two readings”.

(4) Death of ordinance; reintroduction. If a proposed ordinance does not receive the required ~~three~~ **two** readings within a 12-month period, from the date of introduction, it is dead. If the ordinance is reintroduced after the 12-month period, it must be submitted to the ~~three~~ **two** reading process.

**PASSED AND ADOPTED** on this 18<sup>th</sup> day of October, 2022.

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Barry A. Walker, Sr. Mayor

ATTEST:

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Renee Caviness, Municipal Clerk

1<sup>st</sup> Reading: September 20, 2022

2<sup>nd</sup> Reading: October 18, 2022

STATE OF SOUTH CAROLINA   )  
  )  
TOWN        OF        IRMO        )

**ORDINANCE 22 - 34**

**TEXT AMENDMENT: APPENDIX A – ZONING AND LAND DEVELOPMENT ARTICLE 6 –  
PRIMARY ZONE DISTRICT REGULATION, SECTION 6-1.3– SUBSECTION 11**

**BE IT ORDERED AND ORDAINED, BY THE TOWN OF IRMO, SOUTH  
CAROLINA, IN COUNCIL DULY AND LAWFULLY ASSEMBLED AND BY THE  
AUTHORITY THEREOF**

**WHEREAS**, the Town of Irmo desires to strengthen its Zoning Ordinance and Land  
Development Regulation and reconcile the associated zoning standards with its Official Zoning Map;

**WHEREAS**, the change is a text amendment to address noted errors, omissions, vague  
language, and add appropriate standards;

**WHEREAS**, the amendment is to add language to Article 6, Section 6-1.3 *Bicycle Spaces*.  
Subsection (11) and create Subsection (12) *Maneuverability*.

**WHEREAS**, the request is to focus bike racks in retail developments generating foot traffic.  
Required bike racks for all non-residential off-street parking developments appear counterproductive,  
particularly for small commercial businesses. Maneuverability defines appropriate off-street design for  
non-residential uses;

**WHEREAS**, the Town and its Planning Commission per *SC Codes § 6-29-760* met the State’s  
zoning procedural standards. Simply, notice was advertised in The New Irmo News 15 days before the  
public hearing;

**WHEREAS**, the Planning Commission recommended the adoption of the following zoning  
amendment to the zoning ordinance on Monday, September 12, 2022.

PASSED AND ADOPTED this 18<sup>th</sup> day of October.

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Barry A. Walker, Sr., *Mayor*

ATTEST:

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Renee Caviness, *Municipal Clerk*

1<sup>st</sup> Reading: September 20, 2022  
2<sup>nd</sup> Reading: October 18, 2022

## ORDINANCE 22 – 34

### AS IS:

- (11) ~~Bicycle parking spaces. A minimum of one bicycle rack providing space for at least two bicycles shall be provided for all off-street parking lots. For buildings 15,000 square feet or greater, bicycle racks providing spaces for five percent of the required number of auto-spaces or a maximum of 15 spaces shall be provided.~~

### PROPOSED:

- (11) Bicycle parking spaces. A minimum of one bicycle rack providing space for at least two bicycles shall be provided for **retail commercial generating foot traffic**. For buildings, 15,000 square feet or greater, bicycle racks providing spaces for five percent of the required number of auto spaces or a maximum of 15 spaces shall be provided.
- (12) **Maneuverability. Parking areas/lots shall be designed to facilitate internal traffic circulation in a manner to avoid congestion and collision between entering and exiting vehicles and other structures. No parking space shall be designed to permit a vehicle to use an immediate sidewalk or roadway to maneuver in a forward direction.**



STATE OF SOUTH CAROLINA     )  
   )  
TOWN OF IRMO                                     )

**ORDINANCE NO. 22-35**

**AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 8, BUILDING AND BUILDING REGULATIONS;**

**BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE TOWN CODE IS AMENDED AS FOLLOWS:**

**ADDITION OF:**

**ARTICLE III – CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

***Section 8-50 – Establishment***

There is hereby established a board to be called the Construction Board of Adjustments and Appeals (CBAA), which shall consist of five (5) members with two (2) alternates. The board shall be appointed by town council. The Construction Board of Adjustments and Appeals shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the South Carolina Building Codes Council mandatory codes and/or permissible codes (SCBCC).

***Section 8-51 – Membership of Board***

Members of the Construction Board of Adjustments and Appeals shall be residents of the Town of Irmo or reside within the Lexington-Richland School District 5 area. The CBAA must consist of persons appointed by the Irmo Town Council as follows:

1. One member for 5 years; one member for 4 years; one member for 3 years; one member for 2 years; one member for 1 year.
2. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

No member may serve more than two (2) consecutive terms, except for extraordinary circumstances where town council believes it to be in the best interest of the community to have a continuation, for a specified period, of a particular member of the board or until a successor has been appointed.

The CBAA shall annually select one of its members to serve as the chairperson and a person to act as the secretary. The secretary may be a member of the CBAA or an employee of the governing authority.

The Building Official shall be an ex officio member of the Construction Board of Adjustments and Appeals.

***Section 8-52 – Alternate Members***

The Irmo Town Council shall appoint two (2) alternate members who shall be called by the CBAA chairperson to hear appeals during the absence or disqualification of a board member. Alternate members shall possess the qualifications required for membership to the CBAA and shall be appointed for 5 years, or until a successor has been appointed.

### ***Section 8-53 – Qualifications***

The Construction Board of Adjustments and Appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional with architectural experience of a builder or superintendent of building construction with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering experience.
3. Registered design professional with mechanical and plumbing engineering experience or a currently licensed mechanical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience or a currently licensed electrical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a currently licensed fire protection contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.

### ***Section 8-54 Quorum and voting.***

A simple majority of the CBAA shall constitute a quorum. The concurring vote of two-thirds of its members shall be necessary to reverse any action, order, requirement, decision, or determination of the Building Official. If the required number of votes is not obtained, the action, order, requirement, decision, or determination of the Building Official shall stand. For votes on any other matter, the affirmative votes of the majority present shall be required. If regular members recuse themselves or are unable to attend the meeting, alternative members, if substituted, shall vote.

### ***Section 8-55 Disqualification***

A member shall disqualify himself/herself and not hear an appeal in which that member has a personal, professional, or financial interest and shall adhere to the South Carolina Ethics Reform Act, (S.C. Code of Laws, Title 8, Chapter 13). Any ex parte contacts with applicants, opponents, or other parties of interest in a matter to come before the CBAA shall be reported at the earliest opportunity to the chairperson. It shall be considered the duty of the CBAA members to conduct themselves in a manner that will discourage such contact. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, provide the secretary with a completed Recusal Form, have it placed in the minutes, and refrain from deliberating or voting on the appeal in any way.

### ***Section 8-54 Conduct of Meeting.***

In matters brought before the CBAA for public meeting, the normal order to hear the agenda items, subject to modification by the Chairperson, shall be:

1. Statement of matter to be heard;
2. Presentation by Staff;
3. Presentation by Applicant;
4. Staff remarks;
5. CBAA Comments and Questions;
6. Public Comment on the current agenda item;
7. Final Staff Remarks

8. Final Applicant Remarks;
9. Motion, debate, and vote of the CBAA.

Members of the public desiring to be heard by the CBAA during the Public Comment agenda item or during a Public Hearing must sign-in before the start of the meeting and shall be recognized by the Chair before stating their business. Public Comment shall be limited to three (3) minutes per person.

#### ***Section 8-56 Rules and Regulations***

The CBAA shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The CBAA shall meet on the call of the chairman. The CBAA shall meet within 30 calendar days after a notice of appeal has been received. The Secretary shall prepare minutes of each meeting showing the vote of each member upon each question and if members are absent or failing to vote. The minutes shall be approved by a majority vote of members present and qualified to vote at the next regular meeting. Minutes shall be maintained as public records at Town Hall.

#### ***Section 8-57 Application and Fee.***

Applications for appeal shall be obtained from the Building Official or Town Hall. Applications shall be filed within 30 calendar days after the decision is rendered by the Building Official. A fee of seventy-five dollars (\$75.00) shall accompany the application for appeal. The appeal shall be in a form acceptable to the Building Official. An appeal or application may be withdrawn by written notice to the Town Administrator, Building Official or Board Secretary prior to action by the CBAA.

#### ***Section 8-58 Limitations on authority***

The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the CBAA. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equal or better form of construction is proposed.

#### ***Section 8-59 Decisions***

The CBAA shall, in every case, reach a decision without unreasonable or unnecessary delay. In exercising the above power, the CBAA may, in conformity with the provisions of the SCBCC, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the Building Official from whom the appeal is taken and may issue or direct the issuance of a permit. Each decision of the board shall include the reason for the decision. Appellant shall be notified of the decision within two weeks of the ruling. Every decision of the CBAA shall be final; subject however to such remedy as an aggrieved party might have at law or in equity.

**PASSED AND ADOPTED** on this 18<sup>th</sup> day of October, 2022.

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Barry A. Walker, Sr. Mayor

ATTEST:

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Renee Caviness, Municipal Clerk

1<sup>st</sup> Reading: September 20, 2022

2<sup>nd</sup> Reading: October 18, 2022

STATE OF SOUTH CAROLINA     )  
   )  
TOWN OF IRMO                             )

**ORDINANCE NO. 22-36**

**AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 14 – ENVIRONMENT; ARTICLE VI - SMOKING; SECTION 14-171 – SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.**

**BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:**

**Addition of the following (insert into the beginning of the definitions)**

(a) Definitions

*Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product from a heated element, battery and/or electronic circuit which provides a vapor or any other substances. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.*

**Insert into paragraph seven (7)**

..... lighted tobacco product **intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an electronic cigarette which creates a vapor (see or unseen), in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition in this ordinance.**

**Deletion of subsection (c) (6)**

(6) ~~Businesses licensed in the town when the ordinance from which this article is adopted that allow smoking within the establishment may continue to allow smoking until such time as the business license is non-renewed or changes business classification.~~

**PASSED AND ADOPTED** on this 15<sup>th</sup> day of November, 2022.

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Barry A. Walker, Sr. Mayor

ATTEST:

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Renee Caviness, Municipal Clerk

1<sup>st</sup> Reading: October 18, 2022

2<sup>nd</sup> Reading: November 15, 2022

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## Sec. 14-171. Smoking in public places and places of employment.

### (a) Definitions.

**Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product from a heated element, battery and/or electronic circuit which provides a vapor or any other substances. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.**

*Employee* means any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a non-profit entity.

*Employer* means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any workplace, work space, or work spaces as defined herein, that employs one or more persons.

*Enclosed* means a space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

*Private club* means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primary for the pecuniary benefit of the owner or chief operating officer shall not be treated as private clubs under this definition. A private club will not be considered a private club for the purposes of this definition when being used for a function to which the general public is allowed to enter.

*Retail tobacco store* means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times. For purposes of this article, the establishment may not possess a license for on premise consumption of alcoholic beverages.

*Secondhand smoke* is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".

*Smoking* means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product **intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an electronic cigarette which creates a vapor (see or unseen), in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition in this ordinance.**

*Smoking materials* includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.

*Workplace* means any enclosed indoor area, structure, building or facility or any portion thereof at which one 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.

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*Work space or work spaces* means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, and eating areas.

- (b) *Prohibition of smoking in the workplace.* The following apply to all areas of the Town of Irmo:
- (1) All employers shall provide a smoke-free environment for all employees working in any work space or workplace as those terms are defined herein. Further, the employer shall prohibit any persons present in any work space or workplace from smoking tobacco products therein.
  - (2) No person shall smoke or possess a lighted tobacco product in any work space or workplace.
  - (3) Notwithstanding any other provision in this article, an owner, operator, manager, or other person in control of an establishment, facility or outdoor area may declare the entire establishment, facility or outdoor area as a nonsmoking location. Smoking shall then be prohibited in any place in which a sign conforming to the requirements of section 14-171(f) is posted.
- (c) *Exceptions.* Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places in the town under the following circumstances:
- (1) Private residences;
  - (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however, that not more than 25 percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate areas where smoking is prohibited under provisions of this section. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
  - (3) Retail tobacco stores as defined herein;
  - (4) Private clubs that have no employees, except when being used for a function to which the general public is admitted;
  - (5) Religious ceremonies where smoking is part of the ritual; and
  - (6) ~~Businesses licensed in the town when the ordinance from which this article is adopted that allow smoking within the establishment may continue to allow smoking until such time as the business license is non-renewed or changes business classification.~~
- (d) *Posting of signs.* The owner, manager or person in control of a workplace that allows smoking shall post a conspicuous sign at the main entrance to the workplace, which shall contain the words "smoking allowed" so as to put the general population on notice that smoking is allowed in said establishment.
- (e) *Reasonable distance.* In the town, smoking is prohibited within a distance of ten feet from any door which is used as an entrance to or exit from an enclosed area where smoking is prohibited so as to insure that tobacco smoke does not enter the area through the entry. This distance shall be measured from the center of the door in question.
- (f) *Jurisdiction, enforcement and penalties.*
- (1) A person smoking or possessing a lighted tobacco product in any work space or workplace shall be guilty of an infraction.
  - (2) An infraction is punishable by a fine of \$25.00. Each time on which a violation of this section occurs shall be considered a separate and distinct infraction. A violation of this section is furthermore declared to be a public nuisance.
  - (3) If three or more infractions occur within a six-month period at a workspace or workspace subject to this article, such shall be deemed to be a nuisance related to the business.

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- (g) *Governmental agency cooperation.* The town administrator shall request other governmental and educational agencies having facilities within the town to establish local operating procedures in cooperation and compliance with this section. This includes urging all federal, state, county, city and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

(Ord. No. 10-19, 11-16-2010; Ord. No. 12-05, 4-17-2012)

Editor's note(s)—Ord. No. 10-19, November 16, 2010, set out provisions intended for use as § 14-152. For purposes of classification, and at the editor's discretion, these provisions have been included as § 14-171.