

## **Chapter 119**

### **SMOKING**

#### **ARTICLE I**

##### **Smoking in Public**

**[Adopted 4-10-1979 as L.L. No. 2-1979]**

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**History: Adopted by the Board of Trustees of the Village of Lansing: Art. I, 4-10, 1979 as L.L. No. 2-1979; Art. II, 3-20-1990. Amendments noted where applicable.**

##### **§ 119-1. Title.**

This Article shall be known as "A law regulating smoking at public places and in public meetings."

##### **§ 119-2. Purpose.**

The purpose of this Article is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas.

### **§ 119-3. Definitions.**

As used in this Article, the terms defined have the meanings given them:

*Malls* -- Aggregations of five (5) or more retail establishments which may or may not have enclosed common areas.

*Public meeting* -- Includes all meetings open to the public.

*Public place* -- Any enclosed, indoor area used by the general public or serving as a place of work, including but not limited to restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices.

*Smoking* -- Includes carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

### **§ 119-4. Prohibited acts.**

No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public. The common areas of enclosed malls shall also be exempted from the provisions of this Article; this prohibition will apply only to the interiors of restaurants, retail stores, etc., located within such malls.

### **§ 119-5. Designation of smoking areas.**

Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this Article shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

### **§ 119-6. Responsibilities of proprietors.**

The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in the public place by:

- A. Posting appropriate signs;
- B. Arranging seating to provide a smoke-free area;
- C. Asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or
- D. Any other means which may be appropriate.

## **§ 119-7. Waiver.**

The Lansing Village Board of Zoning Appeals may, upon request, waive the provisions of this Article if it determines there are convincing reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.

## **§ 119-8. Penalties for offenses.** <sup>[1]</sup>

Unless statutory provisions prevail, a violation of any provision of this Article shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each day that such violation continues shall constitute a separate violation.

## ARTICLE II **Municipal Smoking Policy** [Adopted 3-20-1990 <sup>[2]</sup>]

### **§ 119-9. Where prohibited.**

- A. Smoking is prohibited throughout the Village of Lansing's municipal facilities, including the Village office, garage and storage facilities, except in designated areas identified by SMOKING PERMITTED signs.
- B. Smoking is prohibited in any indoor enclosed work area occupied by more than one (1) person, unless all employees in such area agree to allow smoking. The rights of a nonsmoker to a smoke-free work area shall prevail.
- C. Smoking is also prohibited in all employee rest rooms, elevators, hallways, classrooms, auditoriums, gymnasiums, employee medical facilities and areas containing office equipment used in common.
- D. Smoking is also prohibited in conference or meeting rooms and municipal vehicles used by more than one (1) person unless all occupants agree to allow smoking.

### **§ 119-10. Designation of smoking room.**

An enclosed smoking room may be designated upon request if space is available.

### **§ 119-11. Designation of nonsmoking areas.**

Employee cafeterias, lunchrooms and lounges will contain nonsmoking areas large enough to meet demand.

### **§ 119-12. Conflict resolution.**

Conflicts should be brought to the attention of the appropriate supervisory personnel. Employees may also file a formal complaint with the Tompkins County Health Department.

### **§ 119-13. Smoking outside of designated areas.**

Employees found smoking outside of designated smoking areas will be considered in violation of this policy and may be subject to penalties.

**§ 119-14. Copies of policy to be distributed.**

Copies of these rules will be posted and distributed to all employees of the Village of Lansing and to all prospective employees upon request.

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[\[1\]](#) Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

[\[2\]](#) Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.