



**CITY OF BOWLING GREEN
ADMINISTRATIVE INSTRUCTION NO. 22**

SMOKING IN CITY-OWNED BUILDINGS

These Administrative Instructions establish City policy with respect to smoking in City facilities and in City-owned vehicles.

INSTRUCTION

The Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health. It is also the desire of the City of Bowling Green to provide a work environment that does not present a health or safety hazard to its employees. Additionally on November 6, 2001, the citizens of Bowling Green voted overwhelmingly to restrict smoking in public places. The citywide "Clean Air Act" became effective on November 25, 2001. Effective with the passage of the citywide "Clean Air Act," in 2001 smoking in all City-owned buildings and vehicles was prohibited. Ohio voters then passed Issue 5 on Nov. 7, 2006, creating Ohio's indoor smoking ban under a new chapter of the Ohio Revised Code (ORC) effective Dec. 7, 2006. This law requires "public places" and "places of employment" be smoke free as of that date. The law requires affected businesses, such as the City, to post "No Smoking" signs that contain the telephone number 1-866-559-OHIO (6446) for reporting violations; and to remove ashtrays and other smoking receptacles. The City policy will reflect not only the City ordinance but also the State law.

In accordance with the State law a "public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence. A "place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.

Furthermore, the State law defines an "employer" as the state or any individual, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees. An "enclosed area" means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides

or on all sides but one. An "outdoor patio" means an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings.

In order to comply with the State law, smoking is prohibited at all times within all areas of City-owned buildings including: offices, work areas, hallways, elevators, restrooms, meeting/conference rooms, storage areas, lobbies/waiting areas, classrooms, garages, and public assembly rooms. Furthermore, all areas immediately adjacent to avenues of ingress or egress to the public place are "off limits." This essentially prohibits smoking in any area in which a member of the public using the "enclosed area" might come into contact with smoke, either directly or by "migration." This policy applies to all employees and visitors to City facilities.

In accordance with the State Law, places of employment include any area used by any employee. This includes vehicles. The restriction applies at all times, even when employees would not be present in the areas. Therefore, smoking is prohibited in all City vehicles. This policy applies to all employees and visitors, whether they are drivers or passengers.

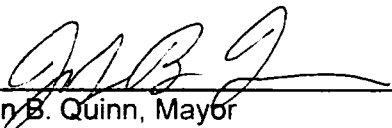
All department and division heads shall ensure that tobacco smoke does not enter any area in which smoking is prohibited under this chapter through entrances, windows, ventilation systems, or other means. In accordance with the State law all outdoor patios shall be physically separated from an enclosed area. If windows or doors form any part of the partition between an enclosed area and the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

"No Smoking" signs such as the one attached to this policy shall be conspicuously posted throughout all City operations and facilities. The signs must be posted at each entrance to a City building. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark. All signs must contain the telephone number where violations can be reported. The State Department of Health is tasked with enforcement, so their number is on the signage.

The State law also requires that all ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited. Therefore, effective immediately all ashtrays and other receptacles

shall be removed from wherever smoking is prohibited. This means that employees can no longer stand in doorways to garage facilities and smoke. In fact it is recommended that employees be directed to smoke off-site of City property.

City officials in each building will take affirmative action to implement this policy. All City employees share in the responsibility for adhering to and enforcing this policy. Any problems arising under this policy should be brought to the attention of a supervisor with responsibility for the area or persons involved. Employees who violate this policy will be subject to the same disciplinary actions set forth in the employee handbook or union agreement, whichever is applicable, that accompany infractions of other policies and rules. Additionally, employees could be subject to violations through the State law and could suffer citations through the State Department of Health.



John B. Quinn, Mayor

12-6-06

Date