



Weber-Morgan Board of Health  
Regulation on Smoking in Outdoor  
Public Places

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## 1.0 PURPOSE

1.1 The purposes of this regulation are to:

- 1.1.1 Protect public health, safety and general welfare by prohibiting smoking in outdoor publicly owned places under circumstances where other persons will be exposed to the toxic effects of secondhand smoke.
- 1.1.2 Protect the public and the environment from tobacco related litter and pollution.
- 1.1.3 Recognize the right of residents and visitors to Weber and Morgan Counties to be free from unwelcome secondhand smoke, and affirm a family-friendly atmosphere in Weber and Morgan Counties' public places.
- 1.1.4 Reduce the potential for children to associate smoking with a healthy lifestyle.
- 1.1.5 Reinforce the education efforts of the Weber-Morgan Health Department in the community about the dangers of secondhand smoke exposure.

## 2.0 APPLICABLE LAWS AND REGULATIONS

2.1 Municipalities/Businesses/Organizations are required to comply with the following applicable laws and regulations which are referenced below:

- 1. Utah Indoor Clean Air Act 26-38-1 to 9
- 2. Utah Indoor Clean Air Act Rule 392-510-1 to 16
- 3. Utah Secondhand Smoke Amendments 57-8-16-7(b) & 57-22-5-1(h)
- 4. Utah Code for Local Health Authorities 26A-1-121

## 3.0 DEFINITIONS

3.1 **OUTDOOR PUBLICLY OWNED PLACE** – Any outdoor gathering place owned by any county or city government that is open to the general public regardless of any fee or age requirement. Examples of outdoor publicly owned places include but are not limited to: parks; playgrounds; recreational areas; golf courses excluding tees, fairways and greens;

amphitheaters; fair grounds; sports fields; amusement parks; swimming pools; concession stands; boweries; bleachers; plazas; cemeteries; public gardens; walking/running trails and pathways; campgrounds, excluding individual campsites; and skate parks.

3.2 SECONDHAND SMOKE (SHS) – The combustion of two forms of smoke from burning tobacco products. Side stream smoke comes from the burning end of a cigarette, cigar or pipe. The smoker exhales mainstream smoke.

3.3 SMOKING – The possession of any lighted tobacco product in any form.

#### 4.0 CREATION OF SMOKE-FREE OUTDOOR PUBLICLY OWNED PLACES

4.1 Smoking is prohibited in outdoor publicly owned places.

#### 5.0 EXCEPTIONS

5.1 Any entity covered by this regulation may apply for a permit from the Weber-Morgan Health Department to install a marked “Designated Smoking Area” within an outdoor publicly owned place. The Department shall grant the permit if the designated smoking area is:

1. Clearly marked as a smoking area;
2. Is located at least 50 feet from any path of travel, doorway, shelter, service line, or outdoor place where people gather and minimizes the risk of SHS exposure to other users of the outdoor publicly owned place. However, The Department may approve a designated smoking area located less than 50 feet when circumstances don’t allow for a 50 foot separation.

#### 6.0 PENALTIES AND ENFORCEMENT

##### 6.1 Penalties

1. Violations of this regulation shall be an infraction. The recommended penalty for violating this regulation is \$25.00 for each infraction.

##### 6.2 Enforcement

1. Any peace officer or city code enforcement officer may enforce this regulation.
2. Complaints may be directed to the Weber-Morgan Health Department for resolution through education and awareness efforts.

## 7.0 POSTING OF SIGNS

7.1 “No Smoking” Signs shall be clearly posted in every outdoor publicly owned place. Signage shall, upon request, be provided by the Weber-Morgan Health Department.

7.2 Signs shall include the international “No Smoking” symbol.

## 8.0 SEVERABILITY

8.1 In the event any court of competent jurisdiction should declare any particular clause or sentence of this regulation invalid or unconstitutional, the remaining portions shall remain in full force and effect. Toward that end the provisions of these regulations are declared to be severable.

## 9.0 EFFECTIVE DATE

9.1 This regulation shall take effect on June 1, 2009.