



Weber-Morgan Health Department

Regulation for


Tobacco Use in Outdoor Public Places

Adopted by the Weber-Morgan Board of Health

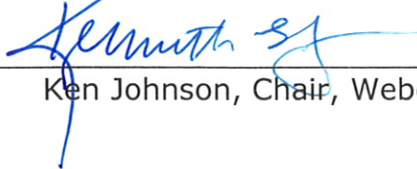
November 26, 2018

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Weber-Morgan Health Department

By 

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By 

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1.0 TITLE AND PURPOSE

These standards shall be known as the Weber-Morgan Health Department Regulation for Tobacco Use in Publicly Owned Places, hereinafter referred to as “this Regulation”.

It is the purpose of this Regulation to protect the public health, safety and welfare of Weber and Morgan County residents and employees, by establishing requirements and provisions for tobacco use in public places. These requirements will: protect the public and the environment from tobacco products related litter and pollution, affirm a family-friendly atmosphere, and encourage a healthy lifestyle.

2.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

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

For the purpose of this Regulation, the following words and phrases, when used herein, except as otherwise required by the context, have the following meanings.

- 3.1 **“E-cigarette”** means any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the vapor through the device; and includes an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed or sold as an e-cigarette, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.
- 3.2 **“E-cigarette Paraphernalia”** means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, e-cigarette batteries, e-cigarette chargers, and any other item specifically designed for the preparation, charging, or use of e-cigarette products.
- 3.3 **“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; amphitheaters; fair grounds; sports fields; amusement parks; swimming pools; concession stands; boweries; bleachers; plazas; cemeteries; public gardens; walking/running trails and pathways; skate parks; restroom facilities; outdoor eating area; common area; campgrounds, excluding individual campsites.

- 3.4 **“Publicly Owned”**: Any outdoor place or portion of a place owned, leased, or rented by any state, county, or city government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county, or city taxes.
- 3.5 **"Tobacco Paraphernalia"**: means any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, including: metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips: meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bonges; ice pipes or chillers; and does not include matches or lighters.
- 3.6 **"Tobacco Product"** means a product made of, or containing, tobacco and includes (as defined in Utah Code Cigarettes and Tobacco and Psychotoxic Chemical Solvents (Section 76-10-101), Utah Code Cigarette and Tobacco Tax and Licensing Act (Section 59-14-102), and Utah Code Providing tobacco paraphernalia to minors (Section 76-10-104.1): a cigarette; a cigar; moist snuff; chewing tobacco; electronic cigarette; any substitute for a tobacco product, including flavoring or additives to tobacco; tobacco paraphernalia; and e-cigarette paraphernalia.

4.0 SCOPE

This Regulation prohibits the use of tobacco products in outdoor publicly owned places in Weber and Morgan Counties.

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 may grant the permit if the designated smoking area is:

1. Clearly marked as a smoking area;
2. 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 exposure to tobacco products.

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 Tobacco Use” Signs shall be clearly posted in every outdoor publicly owned place.
- 7.2 Signs shall include the international “No Smoking” and “No Vaping” symbol.

8.0 SEVERABILITY

- 8.1 If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application and to this end the provisions of this Regulation are hereby declared to be severable.

9.0 EFFECTIVE DATE

This Regulation shall become effective the day of its adoption by the Board of Health.

Adopted by the Weber-Morgan Board of Health on November 26, 2018.