

**ARTICLE 153  
No Smoking**

**153.01 Smoking prohibited.**  
**153.02 Smoking regulations in enclosed places of employment.**

**153.03 Violations and penalties.**

**CROSS REFERENCES**

Harrison-Clarksburg Health Dept. Clean Indoor Air Regulation

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**153.01 SMOKING PROHIBITED.**

No person shall smoke or carry a lighted cigarette, cigar or pipe in the Town Council Chambers, Town Hall, Maintenance Building or any building owned or operated by the Town of Nutter Fort.

**153.02 REGULATION OF SMOKING IN ENCLOSED PLACES OF EMPLOYMENT.**

- (a) It shall be the responsibility of employers to provide smoke-free areas for non-smoking employees within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.
- (b) Non-smoking areas shall be designed such that any employee would not be required to pass through smoking areas on a routine basis in order to perform job duties or to reach a non-smoking area.
- (c) Each employer shall adopt, implement, make known and maintain a smoking policy which recognizes that where the need to breathe smoke-free air conflicts with the desire to smoke, the need to breathe smoke-free air shall have priority. Also there will be no smoking within fifty (50) feet of a building opening, doorway, entrance, hallway or exit.  
The policy shall include a minimum of the following requirements.
  - (1) Any employee in a place of their employment shall have the right to designate his or her work area as a non-smoking area and to post the same with appropriate signs.

- (2) In any dispute arising under the smoking policy, the health concerns of the non-smoker shall be given precedence.
- (d) The smoking policy shall be shared with any existing or prospective employee who requests it.
- (e) Every employer shall have the right to designate any place of employment or any portion thereof as a non-smoking area.

**153.03 VIOLATIONS AND PENALTIES.**

- (a) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Regulation.
- (b) Any person who violates any provision of the Regulations shall be guilty of an infraction. Any person violating the provisions of this ordinance shall be fined not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00).  
(Passed 11-11-03)