

ORDINANCE NO. 06-\_\_\_\_\_

**AN ORDINANCE RELATING TO THE  
PROHIBITION OF SMOKING INDOORS**

**BE IT ORDAINED** by the Fiscal Court of the County of Letcher,  
Commonwealth of Kentucky as follows:

**WHEREAS**, secondhand smoke has been proven to:

1. Cause lung cancer in nonsmokers;
2. Cause bronchitis in children;
3. Cause pneumonia in children;
4. Reduce lung function in children;
5. Cause chronic middle ear disease in children;
6. Cause asthma in children;
7. Increase sudden infant death syndrome; and

**WHEREAS**, secondhand smoke is a Group A carcinogen, such as asbestos, radon gas and benzene and has been proven to cause cancer at level at which secondhand smoke is typically found, and

**WHEREAS**, the Environmental Protection Agency, the Department of Health and Human Services, the National Cancer Institute, the Surgeon General, and the Centers for Disease Control and Prevention, agree that secondhand smoke is harmful to health, and

**WHEREAS**, the Letcher County Fiscal Court's first obligation is to protect the lives of the citizens of Letcher County, and

**WHEREAS**, the Letcher County Fiscal Court finds that secondhand smoke is a clear and present danger to the lives of the citizens of Letcher County, it therefore enacts the following ordinance to protect the lives of the citizens of Letcher County:

## 1. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply:

(a) **Building.** Means any structure where people assemble for purposes of business, government, education, religion, entertainment or public transportation. Each unit of a building consisting of two (2) or more units separately secured or occupied in a separate building.

(b) **Dwelling.** A building which is usually occupied by a person and used primarily as a place of shelter to live in as a residence and includes a hotel or motel room.

(c) **Private organization.** An establishment which maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest and is not profit oriented.

(d) **Smoke or smoking.** The act of inhaling or exhaling the smoke from any lighted cigarette, cigar, or pipe, of other combustible tobacco product.

## 2. PROHIBITION OF SMOKING INDOORS. EXCEPTIONS.

(a) Except as otherwise provided in section (b) no person shall smoke within any building in Letcher County, Kentucky:

(b)

(i) In a person's own dwelling, or in the dwelling of another with said other's permission, or in a physically separate and independently ventilated room in a hospital, hospice, or nursing home open to all residents as a smoking room and for no other purpose.

(ii) Indoor smoking areas provided in governmental office buildings or workplaces pursuant to KRS 61.165.

(iii) Facilities operated by private organizations.

(c) Smoking is prohibited within a reasonable distance from the entrance to any building so as to ensure that tobacco smoke does not enter the building.

**3. PENALTIES.**

(a) Any person who violates any provision of this ordinance shall be subject to the following penalties:

(i) A fine of one hundred dollars (\$100.00) for the first offense;

(ii) A fine of two hundred fifty dollars (\$250.00) for the second offense;

(iii) A fine of five hundred dollars (\$500.00) for the third and each subsequent offense.

(b) Persons who smoke in an area where smoking is prohibited and who refuse to extinguish their smoking material when asked, may be required to leave the premises, and shall be subject to prosecution for trespass if they do not leave when asked.

(c) Each calendar day during which the violation occurs shall constitute a separate and distinct offense.

4. **EFFECTIVE DATE:** This Ordinance shall become effective July 1, 2006 at the hour of 12:01 a.m.

**LETCHER COUNTY FISCAL COURT**

BY: \_\_\_\_\_  
**CARROLL SMITH**  
**COUNTY JUDGE/EXECUTIVE**

**First Reading:** March 13, 2006  
**Second Reading and Adoption:** April 10, 2006