



Ratification
Number 2013-03

A N O R D I N A N C E

TO AMEND THE CODE OF THE CITY OF CHARLESTON BY ADDING TO CHAPTER 21, ARTICLE VI, OFFENSES AGAINST PUBLIC HEALTH, A NEW SECTION 21-133 PERTAINING TO SMOKING ON CERTAIN STREETS AND SIDEWALKS WITHIN AND ABUTTING THE MEDICAL UNIVERSITY OF SOUTH CAROLINA AND ROPER HOSPITAL FACILITIES (AMENDED).

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Code of the City of Charleston is hereby amended by adding to Chapter 21, Article VI, Offenses Against Public Health, a new section 21-133 pertaining to smoking on certain streets and sidewalks within and abutting the Medical University of South Carolina and Roper Hospital complexes, said section 21-133 to read as follows:

Sec. 21-133. Outdoor Smoking – Medical University and Roper Hospital Facilities.

- (a) Findings. The Medical University of South Carolina and Roper Hospital are contiguous health care facilities located in the downtown area of the City. The governing board of each of these facilities has designated their respective campuses, indoor and outdoor, to be smoke-free. These facilities are comprised of buildings larger, taller and more massive than in other areas of the City. The public streets and sidewalks within and abutting these complexes are narrow and heavily used by the employees, patients and visitors of these facilities. The U.S. Surgeon General has advised that exposure to secondhand smoke, even for brief periods of time, may adversely affect the heart and respiratory systems and increase the severity of asthma attacks, especially in children. And research substantiates that secondhand smoke is a toxic outdoor air pollutant that may cause or contribute to an

increase in deaths or serious illness. Heretofore, in accordance with home rule powers devolved by the State constitution and general law, and in recognition of the danger posed by smoking tobacco or tobacco related products, City Council enacted an ordinance prohibiting indoor smoking in workplaces. In light of the heavily used built environment of the Medical University and Roper facilities, and to promote the missions of each to discourage the use of tobacco and tobacco related products so as to protect the health of those seeking and providing medical treatment from the dangers posed by smoking and second smoke, and to protect the public from the effects of smoking and smoking-related litter and pollution, the City Council deems it necessary and appropriate and in furtherance of the public health, safety and welfare that smoking be prohibited on certain streets and sidewalks in and abutting the Medical University of South Carolina and Roper Hospital facilities.

(b) Definitions.

Smoking means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe or similar device or any other lighted tobacco product.

(c) Smoking Prohibited.

Smoking is prohibited on the following streets and sidewalks:

Calhoun Street (north and south sides), from Fourth Street to Rutledge Avenue;

Rutledge Avenue (east and west sides), from Calhoun Street to Doughty Street;

Doughty Street (north and south sides), from Rutledge Avenue to Ashley Avenue; from Courtenay Drive to Jonathan Lucas Street;

Ashley Avenue (east and west sides), from Halsey Street to Bee Street;

Bee Street (north and south sides), from Ashley Avenue to Cherry Street;

Courtenay Drive (east and west sides), from Bee Street to Calhoun Street;

Ehrhardt Drive (east and west sides); from Bee Street to Doughty Street;

President Street (east and west sides), from Bee Street to Doughty Street/Jonathan Lucas Street;

Jonathan Lucas Street (east and west sides/north and south sides), from President Street to Calhoun Street;

Gadsden Street (east and west sides), from Calhoun Street, south 200’;

Barre Street (east and west sides), from Calhoun Street, south 325’;

Halsey Boulevard (east and west sides), from Calhoun Street, south 325’; and

Fourth Street (east and west sides), from Calhoun Street, south 325’.

The smoking prohibition of this section shall not apply within moving motor vehicles.

(d) Enforcement, violations and civil penalties.

- (1) The provisions of this section shall be enforceable by those authorized to enforce municipal ordinances, including the Medical University of South Carolina Department of Public Safety.
- (2) Voluntary compliance with the provisions of this section will be sought by means of publicity, education programs and the issuance of warnings, where appropriate.
- (3) Any person who desires to register a complaint under this section may initiate enforcement with the director of the department of budget, finance and revenue collections, or his designee.
- (4) Any person who smokes in an area where smoking is prohibited by this section shall be guilty of an infraction, punishable by a fine of not less than ten (\$10.00) dollars or more than twenty-five (\$25.00) dollars.
- (5) Violation of this section is hereby declared to be a public nuisance, which may be abated by the city by restraining order, preliminary or permanent injunction or any other means provided by law, to include action by the city to recover costs of nuisance abatement.

(e) Severability.

If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision, clause, sentence, paragraph or application, and to this end, the provisions of this section are declared to be severable.

Section 2. This ordinance shall become effective on March 1, 2013.

Ratified in City Council this 8th day of
January in the Year of Our Lord 2013, in the
237th Year of the Independence of the United States
of America.



Mayor

ATTEST:



Clerk of Council