



S A V A N N A H  
**SMOKEFREE AIR**  
ORDINANCE of 2010

**A GUIDE FOR  
BUSINESS OWNERS  
AND EMPLOYERS**

**breatheasy**  
S A V A N N A H

**Effective January 1, 2011**



## **What is the Savannah Smokefree Air Ordinance of 2010?**

In August 2010, the Mayor and Aldermen of the City of Savannah voted overwhelmingly to pass an ordinance to eliminate smoking in all workplaces. Effective at noon on January 1, 2011, the new law expands the Georgia Smokefree Air Act to prohibit smoking in all public places and workplaces in the City of Savannah.

## **Why is this law helpful to me as a business owner?**

Compliance with this ordinance will reduce the burden of tobacco on your employees and patrons. Tobacco use, particularly smoking, is the leading preventable cause of death in the United States and is responsible for \$2.25 billion in healthcare costs and \$3.3 billion in lost productivity annually in Georgia. Eliminating secondhand smoke exposure for employees and patrons, particularly children, makes restaurants and public establishments safer, cleaner, and more enjoyable. Plus it reduces healthcare costs.

## **What about the Georgia Smokefree Air Act of 2005?**

Many businesses have already gone smokefree due to the 2005 passage of the Georgia Smokefree Air Act by the legislature. The state law allows local governments to enact local ordinances. The Savannah ordinance closes most of the loopholes in the state law and enacts a comprehensive smokefree ordinance governing all businesses and public places in the City of Savannah.


## **Where is smoking NOT allowed?**

**Smoking is prohibited in all enclosed facilities, including vehicles and buildings owned, leased or operated by the State or the City of Savannah.**

**Smoking is prohibited in all enclosed public places within the City of Savannah including but not limited to:**

- Restaurants and bars
- Airports
- Aquariums, galleries, libraries and museums
- Banks, laundromats, professional offices, shopping malls and retail stores
- Bingo or gaming facilities, swimming pools, bowling alleys
- Child care and adult day care facilities
- Convention facilities
- Educational facilities, both public and private
- Elevators
- Health care facilities and nursing homes including private and semi-private rooms
- Hotels and motels
- Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities
- Polling places
- Public transportation vehicles, including buses and taxicabs, under the authority of the City, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, trolley and airport facilities
- Private clubs
- Restrooms, lobbies, reception areas, hallways, and other common-use areas
- Retail stores including retail cigar or tobacco stores
- Rooms, chambers, places of meeting or public assembly under the control of an agency, board, commission, committee or council of the City or a political subdivision of the State
- Service lines

*(continued on page 2)*

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- Sports arenas, including enclosed places in outdoor arenas
  - Theaters, auditoriums and other facilities primarily used for movies, plays, lectures, musical recitals, or other similar performances
  - Auditoriums
  - Cafeterias
  - Stairs or elevators
  - Private Offices
  - Restrooms
  - Hallways
  - Employee lounges
  - Conference and meeting rooms
  - Classrooms
  - Company vehicles

**If a business has employees and/or allows the public inside the business, then it must be smokefree.**

**Smoking is prohibited in any place in which a non-smoking sign is posted.**

### **Where is smoking prohibited outdoors?**

**In and within 10 feet or a Reasonable Distance of:**

- Any entrance, operable window or ventilation system of enclosed areas where smoking is prohibited when the area is open for business or is occupied by one or more persons.
- Outdoor seating or serving areas of bars and restaurants
- Outdoor arenas, stadiums and amphitheaters
- Bleachers or grandstands at sporting or other public events
- Public transportation stations and shelters
- Service lines
- Playgrounds

### **What does “Reasonable Distance” mean?**

Reasonable Distance means a minimum of 10 feet or a distance that is sufficient to ensure indoor areas remain smoke-free by preventing smoke from infiltrating enclosed public places through any entrance, exit, window, vent or air intake system of a building where smoking is prohibited. This is also to protect persons entering or exiting from involuntarily inhaling second-hand smoke.

If a barrier, such as a wall, property line, parking lot, or street makes it impossible to have a 10-foot smokefree buffer, then the business owner, building owner, agent, operator, person in charge or proprietor of a public place should determine the maximum distance between the outdoor smoking area and the entrance, exit, window, or air intake system of a building where smoking is prohibited.

Businesses with any questions concerning this requirement should contact the City of Savannah Citizen’s Liaison Office at 912-651-6420 for guidance.

### **What types of smoking are included?**

Cigarettes, cigars, pipes, e-cigarettes, and waterpipes are all prohibited.



## Where is smoking allowed?

1. **Some restaurants and bars meeting specific square footage requirements may allow smoking in no more than 20% of their outdoor areas. Specifically:**
  - The outdoor service area must be a minimum of 50% (one-half) of the square footage of the indoor service area.
  - Tables designated as smoking must be contiguous.
  - Signage must be posted stating: "Smoking is permitted at this table due to an exemption in the City of Savannah Smokefree Air Ordinance of 2010."
  - Businesses who believe they qualify for this exemption should contact the City of Savannah Citizen's Liaison Office at 912-651-6420 for a certification letter.

### Examples:

- If the outdoor serving area has ten tables, a maximum of two contiguous tables may be designated as a smoking section provided the square footage requirements are met.
  - If the indoor serving area of the restaurant is 1000 square feet and the outdoor service area is 600 square feet, then a maximum of 120 square feet (such as twelve feet by ten feet) may be designated as a smoking section.
2. **As under the state law, hotels and motels are permitted to designate up to 20% of their occupied rooms as smoking rooms.**
  3. **Two Hookah lounges in existence prior to the passage of the ordinance will be allowed to continue hookah pipe smoking provided that:**
    - Only 100% tobacco-free products are used.
    - Notice must be posted at all entrances and on the menu stating "Only 100% tobacco-free shisha permitted pursuant to the City of Savannah Smokefree Air Ordinance of 2010."
    - This exemption is non-transferable and expires should the business cease operating, change ownership or stop allowing hookah smoking.
  4. **Private residences used as businesses are exempt provided they are not licensed child care, adult daycare or healthcare facilities.**

*Other than these four exemptions, indoor air in Savannah is 100% smokefree.*

## What are the penalties?

- A person who smokes in an area where smoking is prohibited can be fined up to \$100.
- A business that permits smoking can be fined up to \$100 for a first violation, \$200 for a second violation within one year, and \$500 for each additional violation within one year.
- The City may also suspend or revoke permits or licenses issued to business that are habitual violators of the ordinance.
- Violation of the ordinance is considered a public nuisance which may be abated by the City Manager by restraining order or other means, and the City may take action to cover the costs of enforcement.

## Should signs be posted?

- All businesses and public places are required to clearly and conspicuously post at the main entrance a minimum of one "No Smoking" sign, which can be the international "No Smoking" symbol.
- Vehicles that are considered a place of employment must also post a "No-Smoking" sign that is visible from the exterior.
- To request complimentary signage or to download free signs for your business or your company vehicles, visit [www.healthysavannah.org/smokefree](http://www.healthysavannah.org/smokefree).



## What do I do if someone “lights up” in my business?

- First, tell the person about the ordinance and ask the person to stop smoking. It may be helpful to point to the “No Smoking” signage at the doorway. Ask them to simply step outside if they would like to smoke. In most situations, this should take care of the matter.
- If the person refuses to put out whatever they are smoking, then ask them to pay up and leave immediately.
- If they refuse to leave, then call the police.

*Your business cannot be cited for violation if you have followed this protocol.*

## Can customers or employees report a violation?

Yes. Anyone may report violations of the Savannah Smokefree Air Ordinance by calling the City of Savannah non-emergency telephone number by dialing 311.

The Savannah-Chatham Metropolitan Police Department, City of Savannah Fire Department, other city inspectors, and the Coastal Health District can inspect for compliance.

## To comply with the new ordinance:

- Update your workplace smoking policy if needed.
- Discuss the new ordinance with employees including what they should do to comply. Information about the ordinance must be communicated to all current employees by January 1, 2011 and to each prospective employee upon application for employment.
- Post “No Smoking” signage at your main entrance and in all company vehicles.
- Request any person smoking to refrain from smoking inside the workplace.
- Refer to the ordinance and to workplace policy when dealing with employees who smoke in the workplace.
- Remind employees that they may be assessed a criminal fine for infractions.
- Remove all ashtrays from the premises.
- Designate a 10 foot smoke-free buffer from any entrance, exit, window, vent or air intake system.

## What can you do to prepare the workplace?

Most local workplaces are already smokefree, but if you currently allow smoking on the premises of your business, here are some ideas for implementation.

- Update your policies then tell your employees:
  - Send a letter to each employee and enclose a copy of the fact sheet about the new ordinance.
  - Announce your new policies at regular meetings.
  - Include information in your company newsletter.
  - Post flyers on bulletin boards and other locations frequented by employees.
  - Distribute payroll enclosures to publicize the new policies.
- Ask employees to report problems directly to the manager or owner of the business or to the building’s management.
- Provide information on cessation resources such as the Georgia Tobacco Quit Line.
- Remove ashtrays from tables, counters, breakrooms, hallways and restrooms.
- Place smoking receptacles outside of entrances and doorways. While the ordinance requires a 10 foot smokefree buffer, consider establishing a smokefree zone 25-feet away from entrances and doorways.
- Plan how you will respond to complaints and violations as you do with other employee rules and guidelines.

*(continued on page 5)*

- For workplaces that serve customers and are going smokefree for the first time:
  - Advise staff to take reasonable steps toward implementation but to avoid confrontations that may result in physical harm.
  - Designate and prepare specific outdoor smoking sites utilizing signage and provide safe containers for discarded cigarettes.
  - Talk with your customers about the new law and prepare them for the changes.
- Focus on the health aspects and other benefits of going smokefree.

### How can I support my employees who want to quit smoking?

The Georgia Tobacco Quit Line provides free counseling, support, and referral services for tobacco users. Quit Line services are available free of charge for Georgian residents ages 13 and over who want to quit. Call 1-877-270-STOP (7867) or visit <http://dhr.georgia.gov/gasmokefreeair> for more information about cessation resources. For a limited time, additional resources are available to residents of Coastal Georgia who are interested in quitting.

The Coastal Health District offers smoking cessation courses for employers free of charge. For more information, call 912-644-5209 or go to [www.gachd.org/chatham](http://www.gachd.org/chatham) and click on the “Freshstart Smoking Cessation Classes” link under Chatham County Health Department information.

You may also want to consider including coverage in your employee health plan for tobacco cessation counseling and pharmacotherapy (e.g., nicotine replacement therapy such as patches, gums or prescriptive medicines).

### How can I get more information about the City of Savannah Smokefree Air Ordinance of 2010?

Call 912-651-6420 and ask for the City of Savannah Citizen’s Liaison Office.

Visit [www.healthysavannah.org/smokefree](http://www.healthysavannah.org/smokefree) for more information, downloadable signs and to view the ordinance.



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