

PUBLIC WORKS COMMITTEE

8:00 a.m., Thursday, October 3, 2019

Conference Room at City Hall

1207 Palm Boulevard, Isle of Palms, South Carolina

AGENDA

1. Call to order and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act
2. **Approval of Previous Meeting's Minutes**
Regular Meeting of September 19, 2019
3. **Citizens' Comments**
4. **Department Reports for September 2019** – Director Pitts and Assistant Robert Asero
Vehicle Maintenance and Trash Collection Tracking Reports
5. **Old Business**
 - A. Update on Phase III Drainage project and small internal projects
 - B. Request from the Isle of Palms Water and Sewer Commission for approval of a \$16M bond for the decommissioning of the Wild Dunes Waste Water Treatment Plant and the consolidation and expansion of the Forest Trail Waste Water Treatment Plant
 - C. Consideration of smoking ban draft ordinance
6. **New Business**
7. **Miscellaneous Business**
Next Meeting Date: 8:00 a.m., Wednesday, November 7, 2019
8. **Executive Session in accordance with S.C. Code Section 30-4-70(a)(2)** – if needed
Upon returning to open session, Council may take action on matters discussed in Executive Session.
9. **Adjournment**

PUBLIC WORKS COMMITTEE
5:00pm, Thursday, September 19, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to Order

Present: Council Member Rice (chair), Council Member Kinghorn, Council Member Smith

Staff Present: Administrator Fragoso, Director Pitts, Assistant Director Acero

2. Minutes

MOTION: Council Member Smith made a motion to approve the minutes of the August 7, 2019 meeting, and Council Member Kinghorn seconded the motion. The minutes passed unanimously.

3. Citizen's Committee

4. Department Reports for August 2019 – Director Pitts

Director Pitts reported that garbage and debris collection are up from this time last year. He also reported a radiator issue with one of the trucks, but despite that expense, the department remains within budget. Assistant Director Acero gave the facilities maintenance report. Council Member Rice asked if the areas of 53rd-57th avenues were covered under the Phase II drainage project, and Administrator Fragoso said this had been part of Phase I. However, the drainage issue at that spot now is as a result of human error and not an error within the system. She said the City has been working with Dominion Energy and other to find a permanent solution.

5. Old Business

A. Update on Phase III Drainage project and small internal projects

Administrator Fragoso reported staff is working with the attorneys on the contracts to include language that the "City is committing to 30% of the design before it goes to permitting." She believes this should be completed by tomorrow.

B. Update on trial use of trash cans with lids on the beach

Director Pitts shared the story of having to remove the test can from the beach just prior to the storm. He reported that it took about 5 hours to remove all the public trash cans from the beach prior to the storm, but this particular can was full of water and took 4 people and a tow dolly to move. The lidded cans would be more labor intensive to move and would require being taken off the beach long before a storm hit the island. He suggested these cans may be better used in places off the beach.

6. New Business

A. Request from the Isle of Palms Water & Sewer Commission for approval of a \$16M bond for the decommissioning of the Wild Dunes Waste Water Treatment Plant and the consolidation and expansion of the Forest Trail Waste Water Treatment Plant

Administrator Fragoso introduced General Manager Chris Jordan, Special Projects Administrator Bill Jenkins, Commissioner Curtis Helfrich, and Attorney Bill Youngblood of the Water & Sewer Commission to the Committee members. She stated this is the 9th bond approval request from the Water & Sewer Commission, adding that their approval of the bond request will not affect the City's finances in any way.

Mr. Jordan stated these monies, if approved, will be used to decommission the waste water treatment plant in Wild Dunes as it is old and requiring significant maintenance and expand the waste water treatment plant at Forest Trail so that over time it will be able to accommodate the needs of an island fully on sewer. The Wild Dunes plant will become a below ground pump station; current tanks and equipment will be demolished. There is no current plan for the rest of that property. Commissioners discussed the project timeline with Mr. Jordan and Mr. Youngblood who agreed it is a 3-4 year process. Council Member Kinghorn recommended the Water & Sewer Commission becoming part of the City government where it could be administered as a City department. He also expressed concern that there is still no signed and finalized MOU with the Water & Sewer Commission.

MOTION: Council Member Kinghorn made a motion to defer further discussion of this request until the next meeting. Council Member Rice seconded the motion.

Council Member Kinghorn said there are many questions that need to be answered and they may not even have the knowledge to ask the right questions yet. Council Member Rice expressed concern about the vacancies and changes that have occurred in recent months at the Water & Sewer Commission. Administrator Fragoso reported the Personnel Committee would be interviewing interested candidates for those vacancies next week. Council Member Kinghorn requested the Committee discuss this issue further in Executive Session.

VOTE: The motion passed unanimously.

B. Discussion of Front Beach beautification

Administrator Fragoso spoke highly of the work already done by Assistant Director Asero at the Front Beach. They have met with a landscape company to discuss a phased-in approach for Front Beach improvements. Administrator Fragoso plans to speak to The Beach Company to enlist their involvement in the project as well. Assistant Director Asero said there are many areas to look at for improvement, including irrigation, landscaping, and lighting. Administrator Fragoso said she hopes the space will become a place of pride for the residents, one in which they can gather and enjoy the area.

C. Update on Hurricane Dorian debris removal

Director Pitts gave an overview of how the removal of storm debris has been handled to date. He believes the debris will be completely picked up by the middle of next week. Committee members thanked Public Works for all their hard work and effort.

7. Miscellaneous Business

The next meeting of the Public Works Committee will be on Thursday, October 3, 2019 at 8:00am in Council Chambers.

8. Executive Session

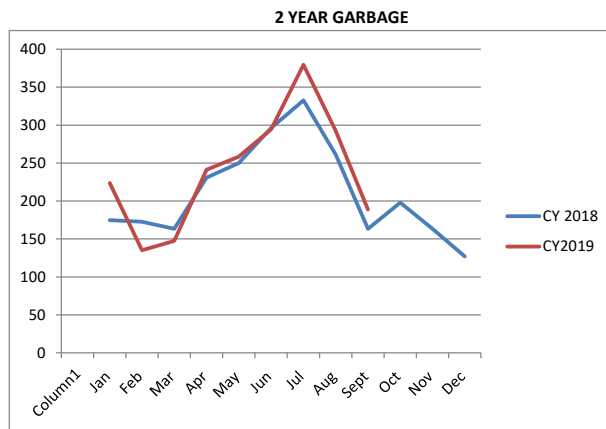
MOTION: Council Member Rice made a motion to move into Executive Session to discuss contractual matters related to the Water & Sewer Commission's bond approval request. Council Member Kinghorn seconded the motion. The Committee moved into Executive Session at 5:53pm.

The meeting was adjourned at 6:05pm. No decisions were made during Executive Session.

Respectfully submitted,

Nicole DeNeane
City Clerk

	CY 2018	CY2019
Column1		
Jan	174.69	223.61
Feb	172.71	135.17
Mar	163.25	147.4
Apr	230.87	241.17
May	249.85	258.45
Jun	296.1	294.31
Jul	332.64	379.48
Aug	261.2	292.36
Sept	163.41	188.86
Oct	198	
Nov	163.27	
Dec	127.02	

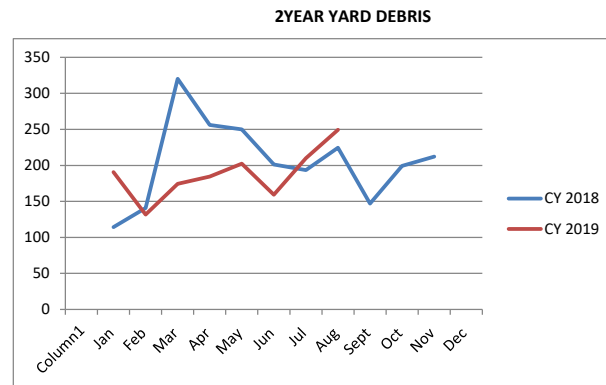


General duties

Sanitation:

tons of C&D were transported to the Bees Ferry landfill in September.
Suspended garbage collection the week of September 9 due to hurricane Dorian
Worked 3 Saturday's 8 hour shift removing storm debris
Converted the municipal parking lot B into a debris staging area

	CY 2018	CY 2019
Column1		
Jan	114.3	190.61
Feb	140.72	131.74
Mar	320.2	174.3
Apr	256.24	184.59
May	249.91	202.48
Jun	201.29	159.4
Jul	193.36	209.97
Aug	224.47	249.39
Sept	146.88	
Oct	199.28	
Nov	212.21	
Dec		



VEHICLE MAINTENANCE Beginning f balance \$85,000.00

09/01/2019	10-4620.5017	VEHICLE MAINTENANCE	BEG. BALANCE	16,010.78
09/01/2019	AP INV	SOAP FOR CAR / TRUCK WASH - PWD	189.65	16,200.43
09/06/2019	AP INV	PW-16 SERVICE CALL TO REPLACE TIRE -	565.07	16,765.50
09/06/2019	AP INV	PW-16 - CREDIT - TIRE - 37,868 MILES	-701.51	16,063.99
09/06/2019	AP INV	PW-26 CREDIT FOR 4 TIRES - 48,100 MILES	-2,125.32	13,938.67
09/06/2019	AP INV	PW-26 SERVICE CALL - REPLACE (4) TIRES,	1,674.35	15,613.02
09/20/2019	AP INV	LOADER - TIRE REPLACEMENT	1,262.01	16,875.03
09/24/2019	AP INV	TURN BUCKLE FOR PACKER PW 24	334.96	17,209.99
09/30/2019	10-4620.5017	END BALANCE	4,026.04	17,209.99

Action Items

See Storm water/facilities manager report.

Storm debris see Rolstan attachment Hurricane Dorian 9/5/2019

DEPARTMENT OF PUBLIC WORKS SEPTEMBER 2019

Facilities maintenance

Buildings

- General cleanup of interior/exterior DPW.
- Repaired lattice and sign at City Hall.
- City wide termite inspection.
- Replacement of broken A/C drainpipe.
- Fire station 2 center drain leak repaired.
- Roofing contractor repair estimate for city hall.
- Completion of A/C duct repair at DPW.

Front beach / Restrooms

Drainage

- Inspect drainage system 32nd and Palm.
- Charleston county hydro vac at 57 and wild dunes.
- Met with Charleston county public works for 209 Forest Tr.
- Met with SCDOT for Palm Blvd. side of 55-57 Ave drainage.
- SCDOT repair to 3 drop inlets curbing and asphalt.
- Eadie's cleaning 220 Forest Tr. drainage channels.
- 41st Ave vegetation clean up.
- 3404 Harnett pipe cleaning.

Landscaping / Rights of way / Connector

- Cleaning beach access path 14 A due to a fallen tree.
- Maintenance of Palm Blvd.
- Sweeping south extra cleaning for connector run.
- Clean up of Palm and 21st due to hurricane Dorian.
- Clean up of debris on the connector every Thursday.
- Cleaning of 4th Ave. beach path.
- Repair of both city sign boards.

Compactor / Dumpster

- Cleaned compactor pad and recycling area every Monday / Thursday.

Certifications, training and meetings

- Attended ways and means meeting.
- Meeting with Charleston county Herbert Craven and Frank Pandullo for 209 Forest Tr.
- PSB renovations meeting.
- Attended Intergovernmental storm water task force meeting.
- UST for September.

Hurricane Preparation / Post storm.

- Pick up of hurricane supplies before storm.
- Staging of pumps on 29th and 56th
- Checked and started pumps Wednesday Sept. 4th
- Purchased and deployed over 4000 sandbags.
- Ordered 10 yards sand from low country mulch.
- Delivery of sand from Charleston county 20 yards.
- Additional 20 yards from beach replenishment contractor.
- Started storm clean up on Friday Aug. 6th
- City wide post storm damage report.
- Monitoring county clean up.
- Inspection of city streets with county clean up contractor.
- Removal and replacement of beach garbage cans.
- Additional pump set up at 53rd Ave after the storm.
- Post county debris contractor parking lot clean up.



CHARLESTON COUNTY, SC Debris Management Daily Report

SEPTEMBER 29, 2019

HURRICANE DORIAN

91°F



TODAY'S WEATHER

22,920.9 CY

TODAY'S VOLUME

443

TODAY'S LOADS

20

DAY OF OPERATIONS

DAILY ACTIVITY SUMMARY

Hurricane Dorian Debris Removal Operations commenced in Charleston County at 0700 this morning. AshBritt Environmental (AshBritt) provided 74 certified trucks and/or trailers throughout the day to remove and properly dispose of vegetative debris from designated Rights-of-Way (ROWs), as well as remove leaning trees and hanging limbs from ROW locations. Ashbritt crews were accompanied by at least 1 Rostan representative ensuring that debris was removed from eligible locations.

There were no incidents to report.

HAULER CREWS

AshBritt utilized 74 certified trucks and/or trailers to remove hurricane debris from eligible ROWs. Debris removal efforts consisted strictly of vegetative debris removal. Additionally, there were 3 tree crews and bucket trucks utilized to remove leaning trees and hanging limbs from eligible ROWs.

MONITORING

Rostan personnel were assigned to monitor and document work performed by AshBritt along designated ROWs and to verify disposal at Hyde Park Road DMS, Pine Landing Road DMS, Seewee Road DMS, and Walpole DMS. Staffing levels were determined based on the anticipated work plan. This included field monitors, leaner/hanger monitors, tower monitors, and supervisory staff.

AREAS WORKED

AshBritt crews cleared hurricane debris from along:

AD1 : ADAMS RUN			
OLD MILITARY RD			
AD2 : ADAMS RUN			
TOOGOODOO RD			
AW3 : AWENDAW			
JENKINS HILL RD			
ED1 : EDISTO			
EDINGSVILLE BEACH RD	MARSH AIRE LN	OLD BAY RD	WALWOOD RD
ED2 : EDISTO			
CEDAR HALL RD	PINE LANDING RD	STEAMBOAT LANDING RD	
ED3 : EDISTO			
WHITE POINT RD			
ED4 : EDISTO			
BLUE SHUTTER RD	CHISOLM PLANTATION RD	EDISTO FERRY RD	POPE LANDING RD



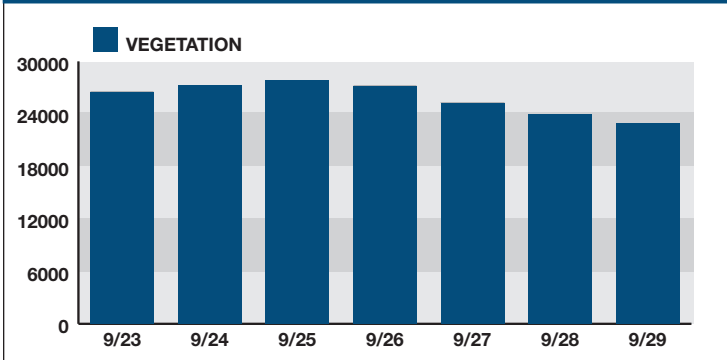
All data represented in this summary is subject to audit of HaulPass® database, field logs, etc. and should be considered an operational summary only.

J02 : JOHNS ISLAND			
DUNMOVIN DR	MURRAYWOOD RD	SPENCE DR	
MAYBANK HWY	RIVER RD		
J03 : JOHNS ISLAND			
ANGEL OAK RD	EDWINS CRSG	ROOKWOOD PL	WINNSBORO DR
BOHICKET RD	HALLE RD	SAMMONS RD	
J1 : JAMES ISLAND			
RIVERLAND DR			
J2 : JAMES ISLAND			
FORT JOHNSON RD	FORT LAMAR RD	GRIMBALL RD EXT	
J3 : JAMES ISLAND			
ANDERSON AV	BROOKBANK AV	JORDAN ST	
ARTHUR DR	HELD CIR	OYSTER POINT ROW	
BASS LN	HIGHLAND AV	RIVERS POINT ROW	
J5 : JAMES ISLAND			
EAST AND WEST RD	LEEWARD AV	MIKELL DR	
HARBORTOWNE RD	LIGHTHOUSE BLVD	NABORS DR	
J6 : JAMES ISLAND			
CLEARVIEW DR	PICCADILLY DR	WAMPLER DR	
DUVALL ST	STERLING DR		
OS1 : OSBORN			
GREENWOOD RD	SPRING GROVE RD		
W10 : WEST ASHLEY			
BEES FERRY RD	FIELDFARE WAY	LOCHMORE TER	SCONESILL LN
DOMINION CT	FURMAN DR	N LANDER LN	TRILLIUM PATH
DUNOON DR	HARLECH WAY	PALMER DR	WOFFORD RD
ERSKINE AV	LIMESTONE BLVD	RYTON DR	
W2 : WEST ASHLEY			
BATTEN DR	BONANZA RD	NAUTICAL CHART DR	SCUBA DR
BIMINI DR	CARTWRIGHT DR	PONDEROSA DR	WHITE HERON PL
BLUEWATER WAY	HUNT CLUB RUN	ROOKERY LN	
W3 : WEST ASHLEY			
BOARD WALK DR	MEADOW BREEZE LN	PRISTINE VW	
EADES LN	N WESTCHESTER DR	RIVER PARK WAY	
LANTERN ST	POLONY PL	TWO OAKS DR	
W4 : WEST ASHLEY			
ARABIAN DR	BRABANT ST	SANDCROFT DR	
ASHLEY HALL PLANTATION RD	PALOMINO CT	TOMOTLEY CT	
ASHLEY HALL RD	PONY LN	W SANDCROFT DR	
W5 : WEST ASHLEY			
MAGNOLIA RD	SUMAR ST		
W7 : WEST ASHLEY			
APOLLO RD	KEATS RD	LONGFELLOW RD	SYMMES DR
BARRETT RD	KIPLING RD	PARKWOOD ESTATES DR	
BROWNING DR	LOLANDRA AV	SHELLEY RD	
W8 : WEST ASHLEY			
BEEHCRAFT ST	LOCKHEED ST		
W9 : WEST ASHLEY			
CASSINA RD	DRUID RD	KENSINGTON DR	LINING LN
WAD1 : WADMALAW			
BEARS BLUFF RD	ROSEBANK RD		

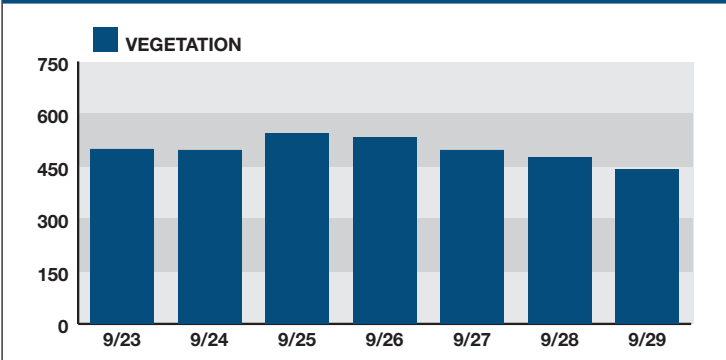
SEPTEMBER 30, 2019 – OPERATIONS PLAN

Debris Removal Operations will commence at approximately 0700 and conclude at or near 1900. It is anticipated that AshBritt will provide up to 95 trucks and /or trailers for collection and hauling. AshBritt crews will muster with Rostan personnel prior to departing for the field.

CUBIC YARDS DAILY TOTALS | WEEK OF SEPTEMBER 23, 2019



LOADS DAILY TOTALS | WEEK OF SEPTEMBER 23, 2019



DEBRIS REMOVAL SUMMARY: LEANERS / HANGERS

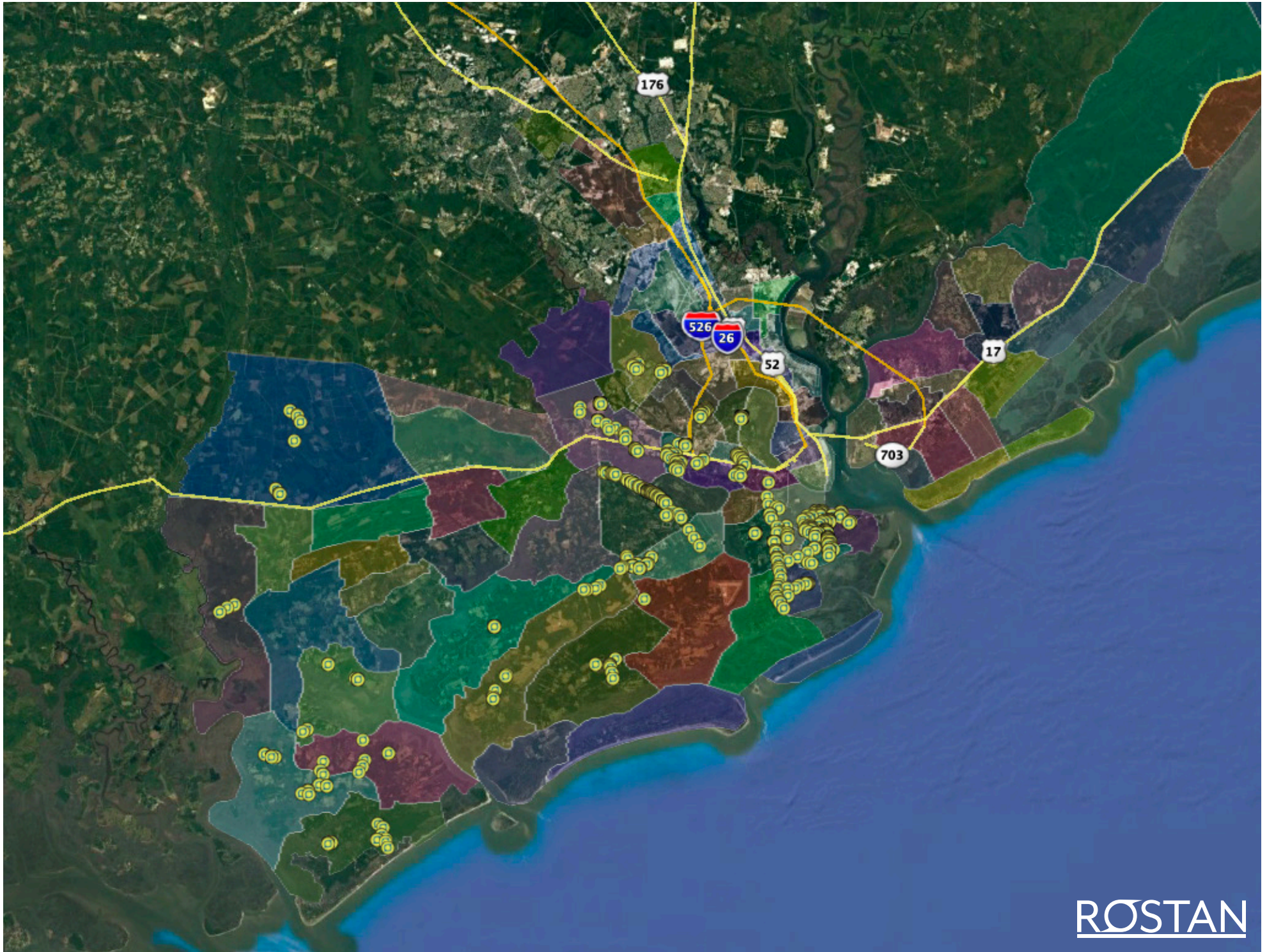
DEBRIS TYPE	TODAY	TOTAL
HANGERS	177	2,630
LEANERS	0	21
PROJECT TOTALS-LEANERS / HANGERS	177	2,651

DEBRIS REMOVAL SUMMARY: VEGETATIVE

DISPOSAL SITE	LOADS TODAY	TOTAL LOADS	DEBRIS ACCEPTED TODAY [CUBIC YARDS]	DEBRIS ACCEPTED TOTAL [CUBIC YARDS]
HYDE PARK ROAD DMS	210	2,709	10,418.00	135,851.30
PINE LANDING ROAD DMS	57	829	2,957.50	41,991.40
SEEWEE ROAD DMS	0	1,890	0.00	103,806.50
WALPOLE DMS	176	2,729	9,545.40	142,756.10
PROJECT TOTALS-VEGETATIVE	443	8,157	22,920.90	424,405.30

DEBRIS REMOVAL SUMMARY: LOADING LOCATION

MUNICIPALITY	LOADS TODAY	TOTAL LOADS	DEBRIS REMOVED TODAY [CUBIC YARDS]	DEBRIS REMOVED TOTAL [CUBIC YARDS]
CITY OF CHARLESTON	225	2,601	11,879.40	135,096.90
CITY OF FOLLY BEACH	0	73	0.00	3,866.80
CITY OF ISLE OF PALMS	0	200	0.00	10,275.50
COUNTY OF CHARLESTON	168	2,683	8,393.90	133,731.40
TOWN OF AWENDAW	0	36	0.00	1,901.10
TOWN OF HOLLYWOOD	0	285	0.00	14,954.00
TOWN OF JAMES ISLAND	50	546	2,647.60	29,303.90
TOWN OF MCCLELLANVILLE	0	21	0.00	1,189.50
TOWN OF MEGGETT	0	107	0.00	5,687.80
TOWN OF MT PLEASANT	0	1,473	0.00	81,704.10
TOWN OF RAVENEL	0	52	0.00	2,619.90
TOWN OF ROCKVILLE	0	19	0.00	1,004.10
TOWN OF SULLIVANS ISLAND	0	61	0.00	3,070.30
PROJECT TOTALS-LOADING LOCATION	443	8,157	22,920.90	424,405.30



ORDINANCE 2019-__

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE.

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, The Isle of Palms Council believes it is imperative to take action to reduce the overwhelming amount of pollution caused by cigarette butts on our pristine beaches;

WHEREAS, The Isle of Palms Council also believes action is needed to prevent smoking in City-owned facilities and any City-owned public area in order to reduce the risk of passive smoke to nonsmokers and the long-term risks to children from seeing smoking in public;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, to include a smoking prohibition in City-owned facilities, public beaches and public beach access points.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE SHALL BE AMENDED TO READ AS FOLLOWS:

CHAPTER 4: SMOKING IN THE WORKPLACE, IN CITY-OWNED FACILITIES, PUBLIC BEACHES AND PUBLIC BEACH ACCESS POINTS.

Sec. 6-4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business agent means an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Employee means any person who performs services for an employer in return for wages, profit or other valuable consideration. It also means a person who volunteers his services for a non-profit entity.

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Employer means any person, partnership, association, limited liability company, corporation, trust, school, governmental agency, college, university or other educational institution, nonprofit entity or other organization, whether public or private, that employs one (1) or more employees.

Enclosed area means all space between a floor and ceiling that is enclosed on two or more sides by temporary or permanent walls of any type of material including but not limited to plastic, wood, sheet rock, or particle board, or windows which extend from the floor to the ceiling, including but not limited to, offices, rooms, foyers, waiting areas, porches, halls and mobile public conveyance. Facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition; provided, however, that porches which have fifty (50%) percent or more of open space or screening on all but one side shall be excluded from this definition.

Environmental tobacco smoke (ETS) or secondhand smoke is the complex mixture formed from escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to ETS is also frequently referred to as "passive smoking,;" "secondhand smoking" or "involuntary smoking."

Livability court means that certain division of the City of Isle of Palms Municipal Court.

Police department means the City of Isle of Palms Police Department.

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

Smoking materials includes cigars, cigarettes, vaping devices, and all other manner of smoking devices intended to be used for the purpose of inhaling and exhaling smoke.

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Workplace means any enclosed area, structure, building or facility or any portion thereof at which one or more employee perform services for their employer, including but not limited to: retail food stores, retail stores, government buildings, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, or bowling alleys.

(Ord. No. 2008-8, § 2, 9-23-2008)

Sec. 6-4-2. - Prohibition of smoking in the workplace.

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- (a) It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace. Each employer shall adopt, distribute and implement a written policy prohibiting smoking in the workplace, in accordance with this article.
- (b) The written smoking policy shall be adopted and distributed to all employees within four weeks of the commencement of business operations. A copy of the policy shall be conspicuously posted in all facilities or areas of the workplace.
- (c) Smoking is prohibited in all workspaces in a workplace. This includes all common work areas, auditoriums, gymnasiums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other

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enclosed areas in a workplace. Furthermore, the employer, business agent, and all employees shall prohibit any persons from smoking tobacco products in any workplace or workspace.

(Ord. No. 2008-8, § 3, 9-23-2008)

Sec. 6-4-3. – Smoking in City-owned facilities, on City-owned property, on public beaches and beach access points.

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Smoking shall be prohibited in City-owned facilities, on City-owned property, on public beaches and beach access points.

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Sec. 6-4-4 - Smoking restrictions inapplicable.

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In providing for the inapplicability of this article to the following subsections, it is specifically recognized that such locations are addressed in the Clean Indoor Air Act, enacted by the General Assembly of South Carolina and codified in S.C. Code 1976, § 44-95-10 et seq. Therefore, this article shall not apply to:

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- (a) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held, including libraries;
- (b) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in S.C. Code 1976, § 20-7-2700, which are licensed pursuant to subarticle 11, article 13, chapter 7, of title 20 of the South Carolina Code (S.C. Code 1976, § 20-7-2700);
- (c) Health care facilities as defined in S.C. Code 1976, § 44-7-130;
- (d) Government buildings as defined in S.C. Code 1976, § 44-95-20(4), except to the extent regulation by the City is authorized therein;
- (e) Elevators;
- (f) Public transportation vehicles, except for taxicabs;
- (g) Arenas and auditoriums of public theaters or public performing art centers.

(Ord. No. 2008-8, § 4, 9-23-2008) Sec. 6-4-5. - Exceptions.

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Notwithstanding the provisions of the above section, smoking may be permitted in the following places or circumstances:

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- (a) Private residences;
- (b) Hotel, motel, inn, bed and breakfast, and lodging homes that are rented to guests, designated as smoking rooms (rooms) provided that the total percentage of such rooms does not exceed twenty-five (25%) percent in such establishment. A room so designated shall have signs posted indicating that smoking is allowed therein;
- (c) Performers upon a stage, provided that the smoking is part of the theatrical production being performed;

- (d) Religious ceremonies where smoking is part of the ritual; and
- (e) Medical research facilities.

(Ord. No. 2008-8, § 5, 9-23-2008) Sec. 6-4-6. - Posting of signs.

The owner of business agent of an establishment or area in which smoking is prohibited pursuant to this article shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking.

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(Ord. No. 2008-8, § 6, 9-23-2008) Sec. 6-4-7. - Reasonable distance.

Smoking outside a workplace, workspace or any other enclosed area where smoking is prohibited shall be permitted, provided that no such smoke enters the enclosed area through entrances, windows, doors, opening, ventilation systems or any other means.

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(Ord. No. 2008-8, § 7, 9-23-2008)

Sec. 6-4-8. - Jurisdiction, enforcement and penalties.

(a) The City's municipal court shall have jurisdiction over prosecuting violations of the provisions of this article.

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(b) The Police Department shall enforce the provisions of this section. In addition, designated code enforcement employees of the city shall have power to enforce the provisions of this article.

(c) The Police Department shall seek to obtain voluntary compliance with this article by means of publicity and education programs, and the issuance of warnings, where appropriate.

(d) Any person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of a civil infraction, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars.

(e) Any person who owns, manages, operates, is a business agent of, or otherwise controls a place of employment and who fails to comply with the provisions of this article shall be guilty of a civil infraction, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars.

(f) In addition to the fines set forth in this section, repeated violations of this article by a person who owns manages, operates, is a business agent of, or otherwise controls a place of employment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred.

(g) Each day of a continuing violation of this article shall be considered a separate and distinct offense.

(h) Violation of this article is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

(Ord. No. 2008-8, § 8, 9-23-2008; Ord. No. 2010-10, §§ 1, 2, 6-22-2010)

Sec. 6-4-9. - Non-retaliation.

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or other person because such employee, applicant, customer or other person takes any action in furtherance of the enforcement of this article or exercises any right conferred by this article.

(Ord. No. 2008-8, § 9, 9-23-2008)

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2019.

Jimmy Carroll, Mayor

(Seal)

Attest:

~~Marie B. Copeland~~, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

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