

CITY OF ADAMSVILLE
ORDINANCE NO. 752

AN ORDINANCE FOR THE PURPOSE OF REGULATING SMOKING IN CITY BUILDINGS IN THE CITY OF ADAMSVILLE, ALABAMA.

WHEREAS, the Office of the Surgeon General of the United States of America has warned the citizens of this nation for many years about the numerous detrimental effects the smoking of tobacco can have on human health; and

WHEREAS, evidence substantiating that smokers jeopardize the health of non-smokers through "passive smoking" continues to mount; and

WHEREAS, smoke from a pipe, cigar or cigarette of any kind constitutes a source of annoyance and discomfort to non-smokers and is a public nuisance; and

WHEREAS, the Council of the City of Adamsville finds that in order to protect the health and welfare of the employees of the City of Adamsville, and protect the rights of smokers and non-smokers alike, it is necessary to prohibit smoking in city buildings except in areas designated as smoking areas;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADAMSVILLE, ALABAMA AS FOLLOWS:

PART I. SMOKING IN CITY BUILDINGS.

A. Definitions:

(1) "Employee" means any person who is employed by the City of Adamsville for compensation or profit;

(2) "Employer" means the City of Adamsville;

(3) "Place of employment" means any enclosed indoor area under the control of the employer to which employees have access during the course of employment, including, but not limited to work areas, employee lounges, employee restrooms, conference rooms and employee eating areas;

(4) "Service Line" means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involved the exchange of money;

(5) "Smoke" or "Smoking" includes the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or device, and the lighting, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

B. OFFENSES

A person violates this ordinance and commits an offense if he or she knowingly or intentionally smokes in a place of employment and is not in an area designated as a smoking area.

C. DESIGNATION OF SMOKING AREAS

(1) The Mayor or the department head in charge of a place of employment may, but is not required to, designate one or more areas as smoking areas.

(2) If a smoking area is designated in a place of employment, each smoking area shall;

(a) be not larger in size than proportionate to the

preference of the users normally requesting a smoking area, as can be demonstrated by the department head or other person in charge;

(b) be situated so the ventilation minimizes the effect of smoke in adjacent non-smoking areas, and so that air from the smoking area is not drawn into or across a non-smoking area;

(c) be designated by appropriate signs which are clearly visible to employees in or entering the area via the entrance to the premises;

(d) contain ashtrays, containers or other facilities for extinguishment of smoking materials;

(e) be set apart or separated from non-smoking areas; and

(f) not include service line or cashier areas.

D. DESIGNATION OF NON-SMOKING AREAS

Except as provided by the preceding subsection, the Mayor or other person in charge of a place of employment shall place a sign visible at the front entrance to the premises thereby notifying persons entering the premises that smoking is prohibited, or that smoking, other than within designated smoking areas, is prohibited.

E. REGULATION OF SMOKING IN THE PLACE OF EMPLOYMENT

The City of Adamsville hereby implements the following written smoking policy effective September 30, 1991: (1) Any non-smoking employee may object to his or her employer about smoke in any portion of his or her place of employment

normally frequented by said employee. Using already available means of ventilation, separation or partition, the employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of non-smoking and smoking employees. An employer is not required by this provision to incur any expense for making structural or other physical modifications to accommodate the preferences of non-smoking or smoking employees.

(2) If any accommodation which is satisfactory to majority of all affected employees, both smoking and non-smoking, cannot be reached as to any portion of the place of employment about which complaint has been voiced, the preferences of the majority of the affected employees shall prevail. Provided however, the requirements of Subsection E(2) shall not apply to non-smoking employees whose job duties include serving of or routine interaction with members of the general public within designated smoking areas, nor to any private enclosed office workspace occupied exclusively by smokers, even though such office may be visited by non-smokers.

(3) The smoking policy shall be announced within three weeks of adoption to all employees working in the place of employment and posted conspicuously in all workplaces under the employer's control.

H. MISCELLANEOUS

Nothing excuses non-compliance with any Federal or State law, City of Adamsville ordinance, or any rule or regulation

which prohibits smoking.

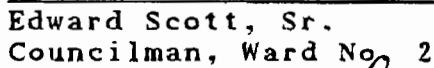
PART II

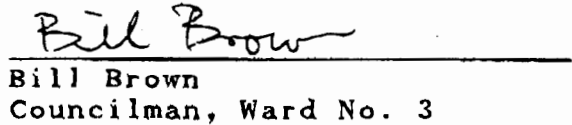
If any portion of this ordinance shall be held to be unconstitutional, invalid or unenforceable, such holding shall not affect the remaining portions of this ordinance and to that end the provisions hereof are declared to be severable.

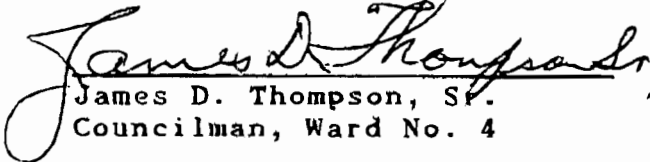
ADOPTED and APPROVED on this 12 day of Aug,
1991.

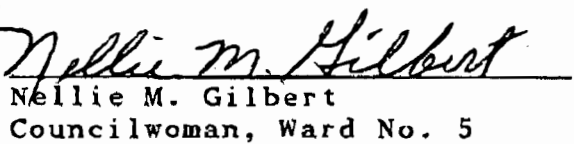

Leland C. Adams, Jr.
Mayor


Samuel L. Jacks
Councilman, Ward No. 1


Edward Scott, Sr.
Councilman, Ward No. 2


Bill Brown
Councilman, Ward No. 3


James D. Thompson, Sr.
Councilman, Ward No. 4


Nellie M. Gilbert
Councilwoman, Ward No. 5

ATTEST:


Barbara Duckack
City Clerk