

## Demopolis Smoke-Free Air Policy

### SECTION 1: Title

This Article shall be known as the City of Demopolis Smoke-Free Air Policy of 2010.

### SECTION 2: Findings and Intent

WHEREAS, Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.

WHEREAS, The Demopolis City Council finds and declares that the purposes of this Policy are (1) to protect the public health and welfare by prohibiting smoking in all city owned facilities; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

### NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA, as follows:

The provisions regarding smoking set forth below are hereby approved and adopted and shall be included in the City of Demopolis Policy Manual.

### SECTION 3: Definition

The following words and phrases, whenever used in this Policy, shall be construed as defined in this Section:

1. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
2. "Enclosed" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
3. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
4. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.
5. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

### SECTION 4: Application of Policy to Demopolis City Owned Facilities and Premises

The City of Demopolis encourages individual businesses to endorse a prohibition of smoking in their respective businesses. All enclosed facilities and premises, including buildings and vehicles owned, leased, or operated by the City of Demopolis, Alabama, shall be subject to the provisions of this Policy including but not limited to:

1. Libraries
2. The Civic Center
3. Theo Ratliff Activity Center
4. Educational Facilities

5. Public transportation facilities, including buses and taxicabs and ticketing, boarding and waiting areas of public transit depots under the authority of the City of Demopolis
6. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Demopolis to the extent the place is subject to the jurisdiction of the City of Demopolis
7. Theaters and other facilities used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances owned by the City of Demopolis
8. Child care and adult day care facilities owned by the City of Demopolis
9. Elevators
10. Health care facilities
11. Polling places
12. Restrooms, lobbies, reception areas, hallways, and other common-use areas owned by the City of Demopolis
13. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public and owned by the City of Demopolis
14. Sports Plex arenas and enclosed places in outdoor arenas.
15. City Hall
16. Rooster Hall
17. Demopolis Higher Education Center
18. Municipal Complex

#### **SECTION 5: Where Smoking Not Regulated**

Notwithstanding any other provision of this Policy or applicable laws to the contrary, the following areas shall be exempt from the provisions of Section 4:

1. Private residences, except when used as a licensed child care, adult day care, or health care facility
2. Any and all places of business
3. Hotel and motel rooms that are rented to guests and are designated as smoking rooms;

#### **SECTION 6: Posting of Signs**

"No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public facility where smoking is prohibited by this Article.

#### **SECTION 7: Non retaliation**

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Policy or reports or attempts to enforce a violation of this Policy.

#### **SECTION 8: Enforcement**

1. This Policy shall be enforced by the City of Demopolis or an authorized designee.
2. Any person violating this Policy will be required to leave the premises immediately or further action will be taken.

#### **SECTION 9: Public Education**

The City of Demopolis, Alabama shall engage in a program to explain and clarify the purposes and requirements of this Policy to citizens affected by it, and to guide operators and managers in their compliance with it.

#### **SECTION 10: Other Applicable Laws**

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.


**SECTION 11: Severability**


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

**SECTION 12: Effective Date**

This Policy shall become effective thirty (30) days upon approval by the Mayor, its attestation by the City Clerk and its proper publication as required by law.

**THIS POLICY WAS ADOPTED BY THE DEMOPOLIS CITY COUNCIL** on April 1, 2010.

  
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Michael Grayson  
Mayor

  
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Paula Bird, City Clerk