

CITY COUNCIL FOR THE CITY OF EVERGREEN, ALABAMA**ORDINANCE NO. 032007****AN ORDINANCE TO REGULATE SMOKING IN PUBLIC FACILITIES WITHIN THE CITY OF EVERGREEN**

WHEREAS, it is the desire of the City Council of the City of Evergreen to adopt an Ordinance to regulate smoking in public facilities; and

WHEREAS, the adoption of this Ordinance is done to facilitate the enforcement and penalty for the violation of said Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERGREEN, ALABAMA, THAT SMOKING IN PUBLIC FACILITIES WITHIN THE CITY OF EVERGREEN IS RESTRICTED AS FOLLOWS:

Section 1. Purpose.

The Ordinance is enacted to regulate the smoking in public facilities within the City of Evergreen:

Food and Beverage Establishments:

Food and beverage establishments must choose to be identified as one of the following:

- A non-smoking facility
- A smoking facility with a minimum age restricted to the age of majority for purchasing and smoking cigarettes in Alabama. At this time, the age is 19. No separate seating is offered for non-smoking patrons.

Public Places Where Smoking is Prohibited:

In the following facilities in areas that are used by the public:

1. Education facilities
2. Government facilities and vehicles
3. Hotel and motel areas that serve the public EXCEPT in rooms that are rented to guests and are designated as "Smoking" rooms
4. Health care facilities
5. Sports arenas, both indoor and outdoor
6. Retail and service facilities such as banks, car dealerships, convenience stores, day care facilities, industrial buildings, Laundromats, office buildings, public transportation vehicles, etc., in areas that are used by the public.

Within 25 feet of a public doorway to a building where smoking is prohibited, EXCEPT in a health care facility where the health care provider determines that a resident is physically unable to meet the reasonable distance requirement.

Places where smoking is Permitted:

Designated smoking areas for employees that protect other employees and the public from second-hand smoke. If an employee lounge is designated for smoking, a comparable area must be designated for non-smoking employees.

Procedures for Enforcing the Ordinance**Responsibilities of Proprietors:**

In facilities where smoking is prohibited, proprietors shall be responsible for posting, at every entrance, a conspicuous sign stating, "This Is a Smoke Free Facility. Smoking Not Permitted Inside or Within 25' of the Entrance."

It is the responsibility of the owner, business agent, manager or other individual having control of an establishment where smoking is prohibited or restricted to ensure compliance with this Ordinance. If a patron refuses to comply, it is the responsibility of the individual having control of the facility to notify the Chief of Police.

All ashtrays or other smoking paraphernalia shall be removed from areas where smoking is prohibited.

In food and beverage facilities that choose to permit smoking, the owner, business proprietors shall be responsible for posting, at every entrance, a conspicuous sign stating: "Smoking Facility. 18 and Younger Not Admitted".

It is the responsibility of the owner, business agent, manager or other individual having control of an establishment where smoking is permitted to ensure that individuals who are eighteen (18) years old or younger are not admitted. If a patron refuses to comply, it is the responsibility of the individual having control of the facility to notify the Chief of Police.

Fire Chief:

The Fire Department shall, while an establishment is undergoing otherwise mandated inspection, inspect for compliance of the smoking restrictions.

Police Chief:

The Police Department is responsible for responding to violations of this Ordinance by issuing citations for non-compliance.

Penalties for Violation of Ordinance:

- Penalties for proprietors who violate, or allow employees and patrons to violate this Ordinance:

1st Violation - \$100 fine and court cost.

2nd Violation, within 24 months of the first violation - \$500 fine and court cost.

3rd Any subsequent violations within 24 months of the second violation - \$1000 fine and court cost.

- Penalties for individuals who violate this Ordinance:

1st Violation, \$50 fine plus court cost.

2nd Violation, within 24 months of the first violation \$100 fine plus court cost.

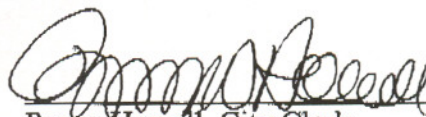
3rd Any subsequent violations within 24 months of the second violation \$500 fine plus court cost.

Anyone who is affected by violations of this Ordinance may file a complaint with the Chief of Police.

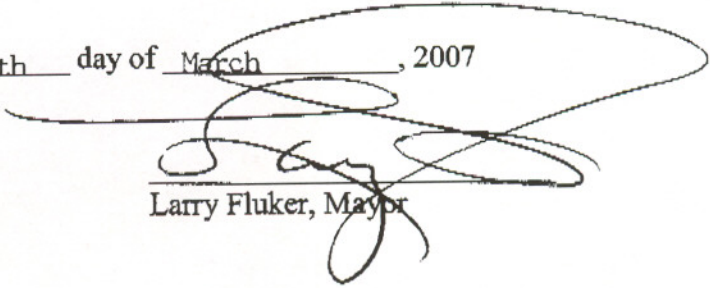
A notice of this Ordinance shall be given to all applicants for a business license in the City of Evergreen.

This Ordinance becomes effective on March 29, 2007.

ADOPTED this the 20th day of March, 2007


Peggy Howell, City Clerk

APPROVED this the 20th day of March, 2007


Larry Fluker, Mayor