

ORDINANCE 93 - 2.6

AN ORDINANCE TO REPEAL SECTIONS 12-56 AND 12-57
OF THE MADISON CODE OF ORDINANCES RELATING TO
REGULATION OF SMOKING IN THE WORKPLACE,
VIOLATION, AND ENFORCEMENT, AND TO ADOPT
IN SUBSTITUTION THEREFOR NEW SECTIONS 12-56 AND 12-57.

BE IT ORDAINED by the City Council of the City of Madison, Alabama, sitting in
regular session this 25th day of July, 1993, as follows:

Section 1. Sections 12-56 and 12-57 of the Madison Code of Ordinances
relating to Regulation of Smoking in the workplace are hereby repealed.

Section 2. In substitution for Section 12-56 repealed by Section 1 of this
ordinance, a new Section 12-56 is hereby adopted as follows:

Section 12-56. Regulation of Smoking in the Workplace

- (a) Employers have the responsibility of providing smoke-free areas for non-smokers to the maximum extent possible within existing facilities; provided, however, that employers are not required to incur any expense (other than expense associated with proper posting of such area) or to make structural or other physical modifications in providing these areas.
- (b) Every employer in the City, except those exempted by this article, shall adopt, implement, and maintain a written smoking policy. The smoking policy shall contain, at a minimum, accommodation of the rights of non-smoking employees. The smoking policy shall be announced within fourteen (14) days of adoption to all employees working in the place of employment and posted conspicuously in all workplaces under the employer's control.
- (c) No employer shall discharge or otherwise discriminate against any employee by reason of such employee's insistence upon rights to a reasonable accommodation as provided by this article.


Section 3. In substitution for Section 12-57 repealed by Section 1 of this
ordinance, a new Section 12-57 is hereby adopted as follows:

Section 12-57. Violation; Enforcement.

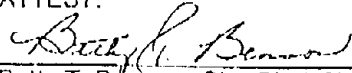
- (a) Any person who smokes in a posted "no smoking area" is in violation of this article. Also, any person who wilfully destroys or defaces any sign posted in compliance with this article is in violation of this article.
- (b) Any business proprietor or person in charge of a public place who fails or refuses to designate smoking and non smoking areas as required herein, or who, being asked to do so, fails or refuses to enforce such designations, is in violation of this article.
- (c) Any employer who fails or refuses to adopt and implement a written smoking policy for the workplace which shall reasonably accommodate, insofar as possible as herein provided, the rights of non-smoking employees is in violation of this article.
- (d) The provisions of this article are enforceable by any duly sworn police officer employed by the City, the fire chief, or the chief's duly authorized representative, the code enforcement officer, or as otherwise allowed by law.

Section 4. This ordinance shall become effective upon its adoption and publication as required by law.

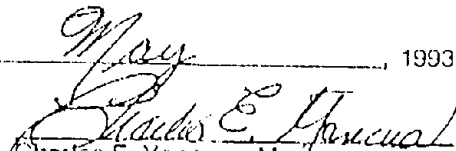
READ, APPROVED, and ADOPTED this 15th day of May, 1993.


Cynthia N. McCollum
President of the City Council
City of Madison, Alabama

ATTEST:


Betty T. Bonson, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this 25th day of May, 1993.


Charles E. Yancura, Mayor
City of Madison, Alabama