

**ORDINANCE NO. 1652**

**AN ORDINANCE TO AMEND CHAPTER 42 HEALTH AND SANITATION,  
NORTHPORT CODE OF ORDINANCES PERTAINING TO  
SMOKING IN PUBLIC PLACES**

**WHEREAS**, the City Council of the City of Northport, Alabama wishes to amend Chapter 42, "Health and Sanitation" of the Code of Northport pertaining to Smoking

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF NORTHPORT, ALABAMA AS FOLLOWS:**

**SECTION 1.** That Section 42-1 "Definitions" of Article I "General", Chapter 42 Health and Sanitation of the Code of Northport be amended by the addition of the following in correct alphabetical order:

*Municipal agency:* An organization, association, corporation (whether for-profit or nonprofit), agency (whether public or quasi-public), person or firm, that applies for and receives an annual appropriation (whether in one lump sum or otherwise) by agency funding agreement or equivalent from the city for the performance of cultural, educational, civic, historical, philanthropic, health, recreation, transportation or other functions that the city is authorized to appropriate funds for or to otherwise perform itself.

*Municipal agency facility:* Those enclosed areas of any building, complex or facility or portion thereof leased, operated or controlled by a municipal agency.

*Municipal facility:* Those enclosed areas of any building complex or facility or portion thereof owned, leased, operated or controlled by the city.

*Lounge:* as used herein shall mean a place licensed as a lounge and principally used for the purpose of preparing and serving alcoholic beverages to the public to consume on premise and at which the gross sales of alcoholic beverages exceeds that of meals.

*Restaurant:* The indoor area of any establishment in the city licensed by the city as a restaurant licensee and principally used for the purpose of preparing and serving meals for the public to consume on premises.

*Service line:* Any indoor of a restaurant, retail business or financial institution at which one (1) or more persons are waiting for or receiving service of any kind, regardless of whether such services involve the exchange of money.

*Smoke or smoking:* The possession, whether actual or constructive, of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or device, and/or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device.

**SECTION 2.** That Article III "Smoking on City Property", Chapter 42 "Health and Sanitation" of the Code of Northport be amended by changing the title of Article III to "Smoking in Public Places".

**SECTION 3.** That Article III, Chapter 42 "Health and Sanitation" of the Code of Northport be amended as follows:

Sec. 42-61. Prohibited acts.

(a) It shall be unlawful and a violation of this article for any person in the city to:

- (1) Smoke in any bus or public passenger carrier (except taxicabs, limousines, private charter buses) not engaged in interstate commerce.
- (2) Smoke in any elevator, which is not in a private residence.
- (3) Smoke in a service line, [at] a meat or produce counter, or in a cashier or check-out line.
- (4) Smoke in a municipal facility.
- (5) Smoke in a spectator area of a theatre or movie house other than a dinner theater.
- (6) Smoke in any area in violation of any law, ordinance, regulation or code.
- (7) Smoke in a municipal agency facility.
- (8) Smoke in a restaurant.

(b) The above provisions shall not apply to the following:

- (1) Performers upon stage, provided that the smoking is part of a theatrical production.
- (2) An entire room or hall which would otherwise be a public place, but which is being utilized for private social functions, provided that the event is under the control of the sponsor of the function.
- (3) A Lounge as defined in Section 42-1.

Sec. 42-62. Duty to post no smoking symbols.

(a) The owner, lessee or person otherwise in control of any municipal facility, municipal agency facility, licensed business premises or service line or any area or thing in or upon which smoking is prohibited by this article shall prominently post in such places the international "no smoking" symbol, consisting of a pictorial representation of a lighted cigarette enclosed in a red circle, with a bar across the same. The sign shall be posted in a clear and conspicuous manner in every such area.

(b) It shall be the responsibility of the owner, lessee or person otherwise in control of a Lounge, as defined herein, to designate his/her licensed premises as



the words "SMOKING" or "NO SMOKING", whichever is elected, or the international "no smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it at every entrance

**Sec. 42-63. Designation of smoking areas.**

- (a) The owner, lessee or person otherwise in charge or control of a place or area within which smoking is allowed by this article may designate one (1) or more areas thereof as non- smoking areas.
- (b) Any such areas designated as non-smoking areas shall conform to the following requirements and a no smoking sign shall be displayed therein:
  - (1) Each such area should be set apart or separated from smoking areas.
  - (2) Each such area shall be situated so that existing barriers and ventilation systems are used to isolate the area from adjacent smoking areas.
  - (3) Each such area must be designated by appropriate signs which are clearly visible to patrons in the area.

**Sec. 42-64. Smoking in theatres.**

Smoking in the spectator area of a theatre is hereby prohibited. The owner, lessee or person otherwise in charge of a theatre shall post signs conspicuously in the lobby of such theatre, stating that smoking is prohibited within the spectator area of the theatre, and in the case of motion picture theatres such information shall be shown upon the screen prior to the showing of such feature motion picture.

**Sec. 42-65. Penalties.**

Any person, firm, corporation, or other entity violating any of the provisions of this article shall be punished as provided in section 42-33 of this Code or as set forth in any ordinance adopting a schedule of fines. Each day's violation constitutes a separate offense.

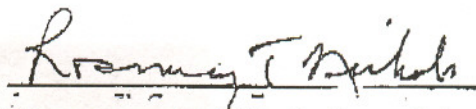
**Sec. 42-66. Severability; effect of article.**

- (a) The provisions of this article are declared to be severable. If any portion of this article shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this article nor render the remaining portion of this article invalid.
- (b) The provisions of this article expressly do not repeal or amend any existing ordinance or code prohibiting smoking. All other ordinances in conflict herewith are repealed to the extent of the conflict.

**Sec. 42-67. Effective date.**

This article shall become effective sixty (60) days from the date of its final enactment

I hereby certify that the above and foregoing Ordinance was published in The Northport Gazette on the 29 day of August, 2007.



Rosemary T. Nichols, C.M.C.  
Administrative Assisent

First Reading: 7-9-2007  
By: Tunnell  
Second Reading: 8-13-2007  
Motion By: Tunnell  
Second By: Collins  
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