

Ordinance Number 1048-10

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and

WHEREAS, the American Academy of Pediatrics published a study (Pediatrics, February 1998) that attributes approximately half of early childhood cases of asthma, chronic bronchitis, and wheezing to secondhand smoke, and

WHEREAS, the U.S. Surgeon General found in his 1986 Report that environmental tobacco smoke is a cause of disease, including lung cancer, in nonsmokers, and

WHEREAS, studies have shown that environmental tobacco smoke is a cause of cardiovascular disease in nonsmokers, and

WHEREAS, studies have shown that breathing environmental tobacco smoke is a significant health hazard for children, the elderly, and individuals with cardiovascular disease, impaired respiratory function, and asthma, and

WHEREAS, the Americans with Disabilities Act, which requires access for handicapped persons in public places and workplaces, deems impaired respiratory function a disability, and

WHEREAS, the U.S. Surgeon General further found that separating smokers from nonsmokers within the same air space does not eliminate the exposure of nonsmokers to environmental tobacco smoke, and

WHEREAS, on the basis of the published warnings of the U.S. Surgeon General and on the basis of scientific reports and other authoritative and instructive data, the City Council of Albertville, AL has determined that the public interest requires certain measures to be established to eliminate the exposure of people to environmental tobacco smoke in public places, and that this ordinance intends to (1) protect the public health and welfare by eliminating smoking in public places and workplaces, and (2) guarantee that the need to breathe smoke-free air shall take priority over smoking.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Albertville Alabama, a municipal corporation as follows:

1. Smoking shall be prohibited at all times in all enclosed public places within the City of Albertville, Alabama, including, but not limited to, the following places:

1. All enclosed areas available to and customarily used by the general public and all areas of business establishments and non-profit entities generally accessible to the public, including, but not limited to, the public areas of retail stores, banks, offices, movie theaters, laundromats, hotels, motels and bowling facilities.
2. All restaurants and Sports Bars in accordance with Alabama State Code.
3. All outdoor areas within ten linear feet from any and all entrances and exits of any and all enclosed indoor areas where smoking is prohibited, to ensure that tobacco smoke does not enter the smoke-free indoor areas through entrances, windows, ventilation systems, or any other means.
4. All rest rooms, lobbies, reception areas, hallways, elevators, service lines, and any other common-use areas in enclosed public places.
5. All polling places.
6. All lobbies, hallways, elevators, and other common areas of multi-unit residential buildings, including, but not limited to, apartment buildings,

condominiums, town houses, trailer parks, retirement facilities, and nursing homes.

7. All buses, taxis, other means of public transit and waiting areas of public transit depots, and limousine and car services.
8. All private residences that are used as childcare or healthcare facilities.
9. All healthcare facilities, including but not limited to clinics, physical therapy facilities, and offices of doctors, dentists, chiropractors, and psychiatrists.
10. All enclosed facilities owned, leased or operated by the City of Albertville.
11. All educational facilities property and at any and all recreational facilities, parks, playgrounds, sports fields, and recreational properties that are owned, leased, or operated by the City of Albertville or by the City of Albertville recreation department.

2. All employers within the city limits of Albertville, Alabama shall provide a smoke-free workplace for all employees. Smoking shall be prohibited in all enclosed facilities within the workplace at all times without exception. This includes, but is not limited to, all common work areas, private offices and work areas, meeting rooms, conference rooms, auditoriums, classrooms, hallways, elevators, stairs, cafeterias, employee lounges, restrooms, medical facilities, and all other enclosed areas, including vehicles. The employer shall adopt and provide a written policy within 90 days of the effective date of this ordinance, and that smoke-free policy shall be in effect, making that workplace smoke-free within 120 days of the effective date of this ordinance. The employer will provide all employees with a copy of the policy within two weeks of its adoption. All prospective employees shall receive a copy of the policy.

3. A 'No Smoking' sign shall be clearly, sufficiently, and conspicuously posted at every entrance to every public place where smoking is prohibited by this ordinance. The sign(s) shall be posted by the owner, operator, manager, or other person having control of such building or other area. The sign(s) shall have the words 'No Smoking' in lettering that is not less than two inches in height, or shall contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar diagonally through the cigarette) that is not less than two inches in height. Signs that are removed shall be replaced within five working days by the owner, operator, manager, or other person having control of such building or other area.

4. The City of Albertville Police Chief or his designated representative is charged with the enforcement of this ordinance. All members of the Police Department are designated as enforcement officers for the purpose of enforcement of this ordinance. Enforcement shall be implemented by the Mayor. Notices of this ordinance shall be given to all applicants for a business license in the City of Albertville. Any employee or person who desires to register a complaint under this ordinance may initiate enforcement with the City of Albertville Police Chief. Notwithstanding any other provision of this article, any person or employee may bring legal action to enforce this article. Any owner, manager, operator or employee of any establishment regulated by this article may inform persons violating this article of the appropriate provisions.

5. It shall be a violation of this ordinance for any owner, operator, manager or person who controls any premises subject to this ordinance to fail to comply with any of its provisions. It shall be unlawful to smoke or carry a lighted cigarette, cigar or pipe where smoking is prohibited. Any person who violates any provision of this ordinance shall be guilty of an infraction, punishable by:

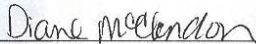
1. A fine not exceeding \$100 for the first violation.
2. A fine not exceeding \$200, but no less than \$100, for the second violation.

3. A fine not exceeding \$500, but no less than \$200, for the third violation.

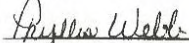
6. Notwithstanding any other provision of this ordinance, any owner, operator, manager, employer, or other person who controls any establishment or place of employment regulated by this ordinance may adopt policies relating to smoking which are more comprehensive than those provided herein.

Effective date of this ordinance is July 15, 2010.

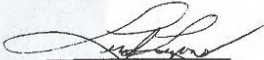
ADOPTED AND APPROVED THIS 21st DAY OF June, 2010.


Diane McClendon, Council President

ATTEST:


Phyllis Webb, City Clerk

Approved by the Mayor this 22nd day of June, 2010.


Lindsey Lyons, Mayor