

ORDINANCE NO. 96-6-1ORDINANCE REGARDING SMOKING
POLLUTION CONTROL

BE IT ORDAINED by the City Council of the City of Brent, Alabama as follows:

Section 1. This ordinance shall be known as the Smoking Pollution Control Ordinance.

Section 2. The City Council of the City of Brent does hereby find that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

Reliable studies have shown that breathing second-hand smoke is a cause of disease, including lung cancer, in healthy nonsmokers. At special risk are elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

Accordingly, the City Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places except in designated smoking areas, and by regulating smoking in places of employment; and (2) to strike a reasonable balance between the needs of persons who smoke and the need of nonsmokers to breath smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority.

Section 3. Definitions. For purposes of this ordinance, the following terms shall have the respective meanings ascribed to them:

1. Employee: means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.

2. Employer: means any person, partnership, corporation, including a municipal corporation, or non-profit entity, who employs the services of one or more individual persons.

3. Enclosed Area: means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

4. Public Place: means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, public transportation facilities, reception areas, and waiting rooms. A private residence is not a "public place."

5. Smoking: means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.

Section 4. Application of Article to City-Owned Facilities.

All enclosed facilities owned by the City of Brent shall be subject to the provisions of this ordinance.

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Section 5. Prohibition of Smoking in public places.

Smoking shall be prohibited in all enclosed public places owned by the City of Brent within the City of Brent.

Section 6. Regulation of Smoking in places of employment of City of Brent Employees.

1. Any employee in a place of employment shall have the right to designate his or her work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer.

2. Smoking shall be prohibited in all common work areas in a place of employment.

3. In any dispute arising under the smoking policy, the health concerns of the nonsmoker shall be given precedence.

4. The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

5. The City shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

6. Notwithstanding any other provision of this section, the City shall have the right to designate any place of employment, or any portion thereof, as a nonsmoking area.

Section 7. Posting Signs.

"Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch (1") in height or the international "No Smoking" symbol (consisting of a pictorial representation of the burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this article, by the owner, operator, manager or other person having control of such building or other place.

Section 8. Enforcement.

A. Enforcement of this article shall be implemented by the City Clerk.

B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City Clerk.

Section 9. Violations and Penalties.

A. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this ordinance.

B. Any person who violates any provision of this ordinance shall be guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars (\$100) for a first violation.
2. A fine not exceeding two hundred dollars (\$200) for a second violation of this article within one year.
3. A fine not exceeding five hundred dollars (\$500) for each additional violation of this article within one year.

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Section 10. Severability.

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

Section 11. Effective Date.

This ordinance shall be effective thirty days from and after the date of its adoption.

ADOPTED AND APPROVED by the City Council of the City of Brent, Alabama, on the 17th day of June, 1996.

Thomas G. Owings
Thomas G. Owings, Mayor

Tracy Sanders, Council Member

Wayne T. Hobson
Wayne T. Hobson, Council Member

Paul A. Suttle
Paul A. Suttle, Council Member

Brisco Huff
Brisco Huff, Council Member

Stephen Q. Edmonds
Stephen Q. Edmonds, Council Member

ATTEST:

Linda A. Cox
Linda A. Cox, City Clerk
of the City of Brent, Alabama

STATE OF ALABAMA X
 BIBB COUNTY X
 CITY OF BRENT X

I, Linda A. Cox, City Clerk of the City of Brent, Bibb County, Alabama, do hereby certify that the foregoing Ordinance was adopted and approved by the City Council of the City of Brent, Alabama, on the 17 day of June, 1996, and thereafter on June 18, 1996, copies thereof were duly posted in three public places within the limits of the said City, namely, (1) The City Hall Building of Brent, Alabama; (2) The United States Post Office in the City of Brent, Alabama; and (3) United Security Bank in the City of Brent, Alabama, and that more than five days have elapsed since the date copies of said Ordinance were posted as herein above stated.

Given under my hand and seal this the 24th day of June, 1996.

Linda A. Cox
 City Clerk, City of Brent, Alabama