

ORDINANCE NO. 1117

AN ORDINANCE TO PROHIBIT THE USE OF SMOKING MATERIALS IN
CERTAIN BUILDINGS WITHIN THE CITY LIMITS OF THE CITY OF
CULLMAN, ALABAMA

WHEREAS, the United States Surgeon General has concluded that involuntary smoking is a cause of disease, including lung cancer, in non-smokers; and

WHEREAS, the United States Environmental Protection Agency has released its report on the harmful effects of second hand smoke and the critical need for regulations to protect the non-smokers health; and

WHEREAS, the Environmental Protection Agency has also concluded that secondhand smoke contains carcinogens such as radon, benzene, and asbestos and that exposure to second hand smoke endangers our children's health; and

WHEREAS, the possession of lighted smoking materials in public places is a nuisance and is hazardous to the public health, safety, comfort, convenience and indoor environment; and

WHEREAS, the simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to environmental tobacco smoke; and

WHEREAS, the City Council of the City of Cullman, Alabama, finds that it is necessary to prohibit smoking in certain buildings to protect the public safety, health and welfare of its citizens.

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

SECTION 1. This ordinance shall apply to the use of smoking materials inside of government buildings/facilities and public buildings within the city limits of the City of Cullman, Alabama.

SECTION 2. For the purposes of this ordinance, the following terms shall have meanings ascribed to them in this section.

Government buildings/facilities: This includes any building, structure or facility which is owned and/or occupied by any local or state governmental department, agency or board, except jails. Government buildings include, but are not limited to: city hall, police and fire stations, court house, civic center, public schools, museums, hospitals, auditoriums and gymnasiums

Public Buildings: Shall mean any restaurant, theater, motion picture theater, museum, skating rink, dance hall, auditorium and bowling lane, except those meeting the definition of "government buildings/facilities".

Restaurant: Shall mean any building or portion of a building, having a total seating capacity of more than 50 persons, utilized as an establishment where refreshments or meals may be obtained by the public and includes, but is not limited to, cafes, lunchrooms, dairy lunch rooms, cafeterias, tea rooms, waffle houses, fountain lunches, sandwich shops and many others.

Smoking or Smokes: Shall include the carrying, holding, possession of lighted smoking materials in any form, including but not limited to, the possession of lighted cigarette, cigars, pipes or other tobacco products.

SECTION 3. The use or carrying of lighted smoking materials shall be prohibited throughout all government buildings/facilities and public buildings except as provided for in Section 4.

SECTION 4. The proprietor or other person in control of any restaurant may at their discretion, designate "smoking areas" which comply with all of the following conditions:

a) be not larger in size than proportionate to the preference of the users normally requesting a smoking area, as can be demonstrated by the proprietor or other person in charge;

b) be situated so the ventilation minimizes the effect of smoke in adjacent non-smoking areas, and so that air from the smoking area is not drawn into or across a non-smoking area;

c) be designated by appropriate signs which are clearly visible to patrons in or entering the area via the front entrance to the premises;

d) be set apart or separated from non-smoking areas;

e) not include service lines or cashier areas.

SECTION 5. The proprietor or other person having control of any building covered by this ordinance shall:

a) Provide a seat in a non-smoking area for any persons requesting such a seat in a restaurant in which designated smoking areas are provided;

b) Prominently post, within 30 days of the effective date of this ordinance, "SMOKING", "NO SMOKING" , "SMOKING PERMITTED IN DESIGNATED AREAS" signs, whichever may be appropriate, 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. The proprietor or other person having control of such a building or public place shall clearly and conspicuously post such a sign in every room, building or other area where smoking is regulated by this ordinance;

c) Post signs conspicuously in the lobby of every theatre and auditorium stating that smoking is prohibited throughout the theatre or auditorium, and in the case of motion picture theatres such information shall be shown upon the screen prior to the showing of each feature motion picture;

d) Request persons smoking in violation of this ordinance to stop, or to leave the non-smoking area and move to a designed smoking area when such an area is provided in accordance with this ordinance.

SECTION 6. The provisions of this ordinance are enforceable by any duly sworn police officer employed by the City of Cullman, or as otherwise allowed by law for the prosecution of offenses.

SECTION 7. Any person who willfully smokes in a building where smoking is prohibited under this ordinance; or any proprietor or person in charge of a building who permits an individual to smoke in a building where smoking is prohibited under this ordinance; or any proprietor or person in charge of a building who fails to post the required signs, shall be guilty of an "offense" and shall be subject to punishment by a fine of not less than ONE DOLLAR (\$1.00) nor more than FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) for each such "offense". Each day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION 8. The provisions of this ordinance shall not restrict the enforcement of the provisions of the Standard Fire Prevention Code and the Code and Standards of the National Fire Protection Association by the Cullman Fire Rescue Department as they pertain to smoking restrictions.

SECTION 9. The provisions of this ordinance shall not bar a proprietor or other person in charge of any building, not covered by this ordinance, from regulating smoking on such premises.

SECTION 10. If any part, section, phrase, or word of this ordinance is held to be unconstitutional or void for whatever reason, the remainder of said ordinance shall remain in full force and effect.

SECTION 11. This ordinance shall become effective upon its passage as provided by law.

This 8th day of February 1993

THE CITY COUNCIL OF THE
CITY OF CULLMAN, ALABAMA

BY: John Knight
PRESIDENT

ATTEST: Lucille N. Galin
CITY CLERK

Transmitted to the Mayor this the 9th day of February 1993.

Lucille N. Galin
CITY CLERK

Approved by the Mayor this 9th day of February, 1993

John Knight
MAYOR