

ORDINANCE NO. 97-5

AN ORDINANCE TO IDENTIFY CERTAIN CITY OF ELBA OWNED PROPERTIES, FACILITIES AND AREAS AS NON-SMOKING AREAS

WHEREAS, the City Council has determined that numerous studies indicate that tobacco smoke to be a major contributor of indoor air pollution and maybe be injurious to human health; and

WHEREAS, the public health and welfare requiring it,

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

SECTION I - PURPOSE

The purpose of this ordinance is (1) to protect the public health and welfare by prohibiting and regulating smoking in all municipal-owned properties, facilities, buildings, work areas, vehicles, equipment or machinery, except in areas specifically designated as smoking areas, and (2) to balance the concerns of smokers with the needs of non-smokers to breathe smoke-free air and to further recognize that where there is a conflict of, the needs of the non-smoker shall have priority.

SECTION II - APPLICATION OF THIS ORDINANCE

All persons in or upon entering into municipal owned properties, facilities, buildings, work areas, vehicles, equipment or machinery, shall be subject to the provisions of this ordinance.

SECTION III - DEPARTMENTAL PLAN OF CONFORMITY

Officers, department heads and other designated by the Mayor, shall within thirty (30) days of the adoption of this ordinance, prepare and post a departmental plan in conformity with this ordinance, and as a minimum provide the following:

(1) The establishment of a smoke free work place by restricting smoking in all areas not specifically designated as smoking areas, this shall include but not be limited to buildings, offices, facilities, work areas, vehicles, equipment or machinery.

(2) To provide an area in or near the department, facility, building as a designated "smoking area". Said designated smoking area shall not infringe upon any non-smokers need to breathe smoke free air.

(3) Departmental plan shall not be used for any purpose other than to attempt to provide a smoke free environment.

SECTION IV - ENFORCEMENT

(1) The City Clerk shall be responsible for procuring and installing signs which designate

all buildings and facilities as non-smoking areas, except in areas established as designated smoking areas.

(2) The enforcement of this ordinance shall be by the Elba Police Department or such other person or persons the Mayor shall appoint.

SECTION V - PENALTY

(1) A violation of this ordinance by any person shall constitute a misdemeanor. Any person who shall violate this ordinance shall be punishable as provided in Section 1-6, Code of Alabama.

(2) Any employee of the City of Elba found to be in violation of this ordinance shall also be subject to discipline pursuant to the Personnel Rules and Regulations of the City of Elba.


SECTION VI - SEVERABILITY

If any section, paragraph or provisions of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect the remaining sections, paragraphs or provisions.

SECTION VII - EFFECTIVE DATE

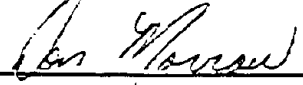
The effective date of this ordinance shall be thirty (30) days from the date of publication in a local newspaper.

ADOPTED AND APPROVED this 25th day of August, 1997.



James Grimes
Mayor

ATTEST:



Donnie Morrow
City Clerk

CERTIFICATE OF PUBLICATION

I, Donnie Morrow, the City Clerk for the City of Elba, certify that the foregoing Ordinance No. 97-5, duly passed and adopted by the City Council of the City of Elba, Alabama, at a regular meeting held at Elba City Hall on August 25, 1997, was caused by me to be published in the Elba Clipper, a newspaper published and of general circulation in the City of Elba, Coffee County, Alabama, in the issue of August 28, 1997.



Donnie Morrow
City Clerk