

AN ORDINANCE TO IDENTIFY CERTAIN CITY OF ENTERPRISE OWNED FACILITIES AND AREAS AS NON-SMOKING AREAS AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

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

WHEREAS, the public health and welfare requiring it,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA, as follows:

SECTION I. PURPOSE.

The purpose of this ordinance is (1) to protect the public health and welfare by prohibiting smoking in certain municipal-owned facilities except in designated smoking areas and by regulating smoking in places of employment in enclosed City-owned facilities; and (2) to strike a reasonable balance between the need of persons who smoke and non-smokers' needs to breathe smoke-free air and recognize that, where the needs conflict, the latter shall have priority.

SECTION II. DEFINITIONS.

The following words and phrases whenever used in this ordinance, shall be construed as defined in this Section:

- (1) "EMPLOYEE" means any person who is employed by the City of Enterprise in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services which are performed in City-owned facilities.
- (2) "EMPLOYER" means the Municipal Corporation of the City of Enterprise.
- (3) "PLACE OF EMPLOYMENT" means any enclosed area under the control of the City of Enterprise to include, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, offices, break rooms, and hallways.
- (4) "SMOKING" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant, or other combustible substance in any manner or form.
- (5) "PUBLIC PLACE" means City-owned, enclosed facility where the public is permitted or served.
- (6) "GYMNASIUM" means any City-owned enclosed facility where the general public, to include City-sponsored teams or individuals, assemble either to engage in physical exercise, participate in athletic competition or witness sporting events.

SECTION III. APPLICATION OF THIS ORDINANCE.

- (1) This ordinance shall not apply to any facility either public or private that is not owned by and under the control of the Municipal Corporation of the City of Enterprise.
- (2) The Officers and Employees of the City of Enterprise and the enclosed facilities being owned and operated by the City are subject to the provisions of this ordinance.

*Repealed
2-15-2000
Boj*

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DATE: 12-28-92
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SECTION IV. SMOKING IS PROHIBITED in the following enclosed facilities and areas:

- (1) The Municipal Building (City Hall):
 - (a) Mayor's Office, Conference Room, and Council Office, to include reception area.
 - (b) Council Chamber (Court Room)
 - (c) Open hallways, foyers, and stairways on upper and lower floors, except in areas designated as "smoking areas".
 - (d) Outer office and reception area of the City Clerk Treasurer, to include total service and collections area of water, utilities, license, and billings frequented by the public.
 - (e) Office of the Magistrate (Judicial Section).
 - (f) General use conference room, basement floor.
 - (g) Records storage area on basement floor.
 - (h) Detention area of the Police Department.
 - (i) Computer Operations System 36 Center, City Clerk's Office.

(2) Enterprise Civic Center:

The total area of the lower level occupied by the Senior Citizens Nutrition Program.

(3) Enterprise Leisure Services Facilities:

- (a) Main Activities Room of the "Jug Brown Recreation Center".
- (b) "Moose Hope Gymnasium" and other areas applicable under Section II (6) of this ordinance.

SECTION V. Officers and department heads shall, within 30 days after the adoption of this ordinance, prepare and post a departmental plan in conformity with this ordinance which shall, as a minimum, provide the following:

- (1) So near as practical and without infringement on the rights of any class, establish a departmental smoke free work place by restricting smoking in areas not otherwise set out (to include offices where practical and deemed necessary) and provide smoking areas that are ventilated by exhaust or other means, sufficient in size to accomodate smokers.
- (2) Area of responsibility drawn to reasonable scale and posted, noting no-smoking areas, and not less than one area designated for smoking sufficient in size and accomodations for at least the number of employees affected by this ordinance.

SECTION VI. ENFORCEMENT.

The Fire Department is hereby designated as the responsible Enforcement Agency, and shall require of each department, while conducting routine inspections, provide evidence that the provisions of this ordinance are complied with.

Any employee in a place of City employment shall have the right to designate his or her work area as "non-smoking area" by reporting the same to the department head for inclusion in the departmental plan.

The Purchasing Agent shall be responsible for procuring, providing and making available sufficient no-smoking signs to each department of the City so that all areas established as non-smoking areas shall be adequately posted.