

ELIMINATING SMOKING IN CITY OWNED FACILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELMA,
ALABAMA AS FOLLOWS:

Sec. 1000. Title

This article shall be known as the Smoking Pollution Control Ordinance.

Sec. 1001. Findings and Purpose

The City Council does hereby find that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers. At special risk are children, 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, heart disease, respiratory infection, and decreased respiratory function, including bronchoconstriction and broncho-spasm.

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 city facilities; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

Sec. 1002. Definitions

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

1. "Dining Area" means any enclosed area containing a counter or tables upon which food or snacks are served.
2. "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.
3. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.
4. "Sports Arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.
5. "Sports Arena" shall not include baseball fields, football fields, bleachers, arena stands and any other areas that are not enclosed within a structure and does not come within the definition of "enclosed area".

Sec. 1003. Prohibition of Smoking in Public Facilities

- A. Smoking shall be prohibited:
1. Within any structure owned by the City of Selma.
 2. Within any structure leased by the City of Selma, providing that this prohibition shall apply only to those areas of the structure actually being leased by the City.
 3. Within city owned galleries, libraries, convention halls and museums, when open to the public.
 4. Within sports arenas and convention halls owned or leased by the City of Selma.
 5. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committees, or agencies of the City or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City; and
 6. Polling places.
- B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility within the city of Selma may declare the entire establishment or part thereof as a nonsmoking establishment.

Sec. 1004. Reasonable Distance

Smoking shall occur at least fifteen (15) feet away from the entrance of any enclosed city owned building where smoking is prohibited to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means.

Sec. 1005. Posting of Signs

- A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a 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.
- B. Every dining area within a facility owned or leased by the City of Selma shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager or other person having control of the area.

Sec. 1006. Enforcement

- A. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City of Selma Police Department.

Sec. 1007. 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 article.

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

1. A fine not exceeding Twenty-Five Dollars (\$25.00) for a first violation.
2. A fine not exceeding Fifty Dollars (\$50.00) for a second violation of this article.
3. A fine not exceeding One Hundred Dollars (\$100.00) for each additional violation of this article.

Sec. 1008. Other Applicable Laws

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

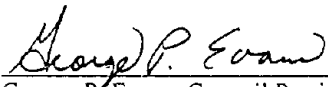
Sec. 1009. Severability

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 provisions or application, and to this end, the provisions of this article are declared to be severable.

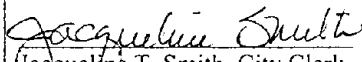
Sec. 1010. Effective Date

This article shall be effective thirty (30) days from and after the date of its adoption.

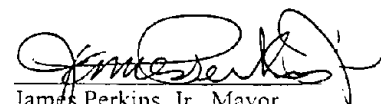
ADOPTED on this the 21st day of January, 2001.


George P. Evans, Council President

ATTEST:


Jacqueline T. Smith, City Clerk

APPROVED:


James Perkins, Jr., Mayor