

## **ORDINANCE # 807**

### **TO PROVIDE A SMOKE-FREE AND TOBACCO-FREE WORKPLACE FOR THE EMPLOYEES OF THE CITY OF ROANOKE**

**WHEREAS**, the Surgeon General of the United States has declared that smoking and other tobacco use is the number one public health issue of our time; and

**WHEREAS**, the City of Roanoke recognizes the increasing evidence that smoking and other use of tobacco products create a danger to the health of the employees of the city, and are the cause of annoyance and discomfort to those who are in confined spaces where such products are present and used; and

**WHEREAS**, in order to protect the health and welfare of those employees and other citizens, as well as to protect the rights of tobacco users and non-users, it is necessary to restrict the use of tobacco products in and upon premises owned or leased by, or under the control of the City of Roanoke;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Roanoke, Alabama, as follows:

#### **SECTION I. Definitions.**

- A. "Employee" means any person who is employed by the City for compensation or as a volunteer.
- B. "Place of Employment" means any enclosed indoor area under the control of the City to which employees have access during the course of employment, including, but not limited to work areas, employees lounges, employees restrooms, and conference rooms. A motor vehicle under the control of the City carrying two or more employees engaged in work related activities shall be considered a place of employment. A private residence is not a place of employment.

- C. "Smoke" or "smoking" includes the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or device, and the lighting of, emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.
- D. "Use of tobacco products" includes the inhaling, dipping, sniffing, or consumption of any tobacco product and the carrying or holding of any such tobacco product not fully contained within an air-tight container.

**SECTION II. Violation of Ordinance a Misdemeanor.**

A person commits a violation of this ordinance if her or she:

- A. Knowingly or intentionally smokes or makes use of a tobacco product in a place of employment as defined herein, not designated as a tobacco use area under this ordinance; or
- B. Is the supervisor, department head, or other person in charge of a place of employment, and knowingly or intentionally permits, or fails to make a reasonable effort to prevent commission, by another, of the offense described in subsection A of this Section within a place of employment not designated a tobacco use area.

**SECTION III. Designated Tobacco Use Areas.**

- A. The City Council may, but is not required to, designate one or more areas as Tobacco Use Areas.
- B. If a tobacco use area is designated in a place of employment, each such area shall:
  - 1. Be situated so that the ventilation minimizes the effect of smoke and smell in adjacent tobacco free areas, and so that air from the tobacco use area is not drawn into or across a tobacco-free area;
  - 2. Contain ashtrays, containers, or other facilities for extinguishment And disposal of tobacco products; and
  - 3. Be set apart or separated from tobacco -free areas.

**SECTION IV. Posting of Signs.**

A sign shall be conspicuously posted at all entrances to all enclosed buildings Under the control of the City of Roanoke which shall contain in substance the Following:

“ Tobacco Use In Any Form Is Prohibited Throughout This Building Except In Designated Tobacco Use Areas.”

**SECTION V. Punishment Upon Conviction Of Violation.**

The violation of any provision of this Ordinance shall be unlawful and constitute A misdemeanor offense; each day a violation of this Ordinance continues shall Constitute a separate offense. Upon conviction, a fine of not less than \$25.00 or More than \$100.00 for each offense shall be imposed.

**SECTION VI. Severability.**

The provisions of this ordinance are severable. If any provision, section, Paragraph, sentence, or part thereof, or the application thereof to any person Or thing shall be held unconstitutional or invalid, such holding shall not Effect or impair the remainder of this ordinance or the remaining persons Or things to which it applies, it being the legislative intent to enact each Provision, section, sentence, paragraph, and part thereof, and the application Thereof, separately and severally from each other.

**SECTION VII. Effective Date.**

This Ordinance shall become effective upon its publication as required by law.

PASSED AND ADOPTED, The 28<sup>th</sup> day of February, 2005.

ATTEST:

Ellen Farmer  
Ellen Farmer, City Clerk

[Signature]  
Mayor

Mark Bell  
Council member Bell

Walter Sudduth  
Council member Sudduth

Ernest Robinson  
Council member Robinson

James Holley  
Council member Holley

[Signature]  
Council member Fether