

DIVISION 4. CLEAN INDOOR AIR

Sec. 17-111. Title.

This title shall be known as the "City of Albany Clean Indoor Air Ordinance."

(Ord. No. 95-155, § 1, 11-14-95)

Sec. 17-112. Findings and purpose.

Numerous studies, including those published by the Surgeon General of the United States, the Environmental Protection Agency, the American Lung Association, World Health Organization, the National Research Council, and other organizations, have established that the breathing of secondhand tobacco smoke or environmental tobacco smoke by nonsmokers is:

- (1) a cause of disease, including lung cancer, in healthy nonsmokers;
- (2) a major contributor to indoor air pollution; and
- (3) particularly harmful to children, elderly people, and allergic individuals.

Accordingly, the board of commissioners of the city finds and declares that the purpose of this division is to protect the public health and welfare by regulating smoking in public places and places of employment.

(Ord. No. 95-155, § 2, 11-14-95)

Sec. 17-113. Definitions.

The following words and phrases, whenever used in this ordinance, shall be constructed to mean as follows:

Bar means an enclosed area which only permits entry to persons of legal drinking age and is primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

Child care facility includes any facility used to care for or teach children.

Designated smoking area

- (1) In a restaurant means an area of continuous seating where smoking is permitted and which is either (i) situated in an area exterior to the building, or (ii) if indoors, is situated in an enclosed area which is separately ventilated. Such "designated smoking area" shall be marked by appropriate signs, and shall not include service lines, cashier areas, rest rooms, waiting areas, entranceways, or exits.
- (2) In a place of employment means either an area exterior to the place of employment, or an enclosed separately ventilated room where smoking is permitted and which (i) is not frequented by the public or non-smoking employees and (ii) is not a work area, rest room or meeting room, and (iii) is not the only employee lounge or cafeteria. A "designated smoking area" exterior to

the place of employment shall not consist of hallways, walkways or doorways frequented by the public.

Dining area means any enclosed area containing a counter or tables upon which food is served.

Place of employment means any enclosed area in a building or vehicles under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, rest rooms, employee lounges, cafeterias and snack bars, conference and meeting rooms, lobbies and reception areas.

(1) A private residence is not a "place of employment" unless it is used as a child care facility or a health care facility.

(2) The dining area of a restaurant shall not be treated as a "place of employment" under this division.

Public place means any enclosed area to which the public is invited or in which the public is permitted including, but not limited to, restaurants, stores, offices, waiting rooms, lobbies, public transit, rest rooms, enclosed shopping malls, educational, recreational and health care facilities, child care facilities, auditoriums, theaters, arenas and meeting rooms. A private residence is not a "public place" unless it is used as a child care facility or a health care facility.

Restaurant means any establishment which is primarily devoted to the serving of food to the public or guests and which contains a dining area. The term "restaurant" shall not include any dining area located within a health care, educational, or child care facility. Food courts within enclosed shopping malls shall be treated as restaurants under this ordinance.

Retail tobacco store means a retail store in which the sale of tobacco products designed for smoking comprises more than fifty (50) percent of its receipts.

Service line means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other smoking equipment in any manner or form.

(Ord. No. 95-155, § 3, 11-14-95)

Sec. 17-114. Regulation of smoking.

Except as otherwise provided in this division, smoking is prohibited in all public places and places of employment within the city existing, built, converted or occupied in the future on the effective date of this ordinance [January 27, 1998].

(Ord. No. 95-155, § 4, 11-14-95; Ord. No. 98-105, § 1, 1-27-98)

Sec. 17-115. Exceptions.

The regulation of smoking pursuant to this division shall not apply in the following areas:

- (1) Bars
- (2) Hotel and motel rooms rented to guests, except for those rooms designated by such hotels and motels as no smoking rooms.
- (3) Retail tobacco stores.
- (4) Designated smoking area in a restaurant provided that such designated smoking area shall not comprise more than fifty (50) percent of a restaurant's

seating capacity.

(5) Designated smoking area in a place of employment, except that no designated area shall be permitted in any health care or child care facility.

(6) Place of employment occupied exclusively by smokers and which is not subject to public access in the ordinary course of business.

(Ord. No. 95-155, § 5, 11-14-95)

Sec. 17-116. Declaration of smoke-free environment.

Nothing in this division shall be deemed, interpreted or construed to restrict or prohibit any person in charge of any public place or place of employment from designating that place a smoke-free facility and prohibiting smoking in areas which otherwise would be permitted by this division.

(Ord. No. 95-155, § 6, 11-14-95)

Sec. 17-117. Posting of signs.

(a) "Smoking" or "No smoking" signs, whichever are appropriate, shall be conspicuously posted in every public place and place of employment where smoking is regulated by this ordinance by the person in charge of such facility. Such signs shall contain letters of not less than two (2) inches in height or the international symbol for "No smoking", consisting of a pictorial representation of a burning cigarette enclosed in a red circle, with a red bar across it.

(b) Every restaurant shall have posted, at each entrance, a conspicuous sign clearly stating either that smoking is prohibited, or that a non-smoking section is available, with smoking permitted only in the designated smoking area.

(Ord. No. 95-155, § 7, 11-14-95)

Sec. 17-118. Enforcement.

(a) The marshal or the chief building official may take appropriate action to enforce this division.

(b) Any owner, operator or manager of any establishment regulated by this division shall inform persons violating this article of its provisions.

(Ord. No. 95-155, § 8, 11-14-95)

Sec. 17-119. Other applicable laws.

This division shall not be interpreted or construed to permit smoking where it is not otherwise restricted or prohibited by other applicable laws, regulations or policies.

(Ord. No. 95-155, § 9, 11-14-95)

Sec. 17-120. Penalty.

Violation of the provisions of this division by any person shall constitute an offense punishable as provided in sections 1-17 and 1-18 of the Code of Ordinances of the City of Albany, Georgia.

(Ord. No. 95-155, § 10, 11-14-95)