

ORDINANCE NO. 100

AN ORDINANCE OF THE CITY OF HAMPTON, GEORGIA, TO ADD CHAPTER 74, ARTICLE III, ENTITLED "REGULATION OF SMOKING" AND CONTAINING SECTIONS 74-41 to 74-43 TO CHAPTER 74 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" OF THE CODE OF ORDINANCES OF HAMPTON; TO PROVIDE FOR AREAS WHERE PROHIBITED; TO PROVIDE FOR POSTING OF SIGNS; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR PENALTIES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES:

WHEREAS, it is the desire of the Mayor and Council to adopt in all respects an Ordinance relating to the Regulation of Smoking in Certain Public Places; and

WHEREAS, the adoption of this ordinance is done in response to numerous complaints about smoking in certain public places; and

WHEREAS, adequate enforcement relating to smoking in certain public places require that they be regulated, abated, or prohibited.

WHEREAS, the City Council does hereby find:

- (1) Numerous studies have found that tobacco smoke is a major source of the contributor to indoor air pollution; and
- (2) Reliable studies, including those published by the surgeon general of the United States, have shown that

inhalation of the smoke injected into an enclosed atmosphere by the use of tobacco products by others is a cause of and contributing factor of disease, including, without limitation, lung cancer, in healthy nonsmokers.

Accordingly, the City Council finds and declares that the purpose of this chapter is to protect the health of nonsmokers in public places, and to provide reserved areas for those who wish to smoke therein. This chapter is not intended to, and shall not be construed to, deny or to inhibit access to public buildings.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF AS FOLLOWS:

Section 74-41. DEFINITIONS.

a. Council. The City Council of Hampton, Georgia.

Section 74-42. PURPOSE.

In response to an increasing number of complaints regarding smoking in City Hall, the City of Hampton has studied available alternatives and methods employed by other communities and how effectively those communities have addressed smoking in certain public places.

They are therefore found to be of public interest and benefit and are hereby authorized in the City of Hampton.

Section 74-43. REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES.

(a) Areas where prohibited. It shall be unlawful for any

person to smoke in any facility owned or leased by the City of Hampton, and in any private facility where a public meeting is called by the City of Hampton or an agency thereof during the time such meeting is being held. For the purposes of this section the term "smoking" or "to smoke" shall mean the act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind, except as provided in subsection (e) below.

(b) Posting of signs. Signs prohibiting smoking shall be conspicuously posted in those areas in which smoking is prohibited by this section.

(c) Enforcement. This section may be enforced by any member of the City of Hampton Police Department or Fire Department.

(d) Penalties. Any person violating any provision of this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sections 74-44 to 74-50. RESERVED.

REPEAL OF CONFLICTING LANGUAGE.

All language of other City Ordinances in conflict herewith is stricken and revised to be in accordance with the above.

SEVERABILITY CLAUSE.

If any sentence, clause, or phrase of this Ordinance is for any reason found to be unconstitutional, invalid, or void, such

findings shall not effect the remaining portions of the Ordinance and such invalid portions shall be deemed severed herefrom.

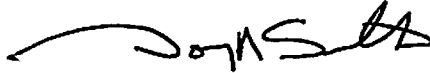
EFFECTIVE DATE.

The effective date of this Ordinance shall be this 10th day of March, 1998.

FIRST READING: February 10, 1998

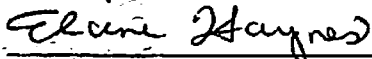
SECOND READING: March 10, 1998

ADOPTED, this 10th day of March, 1998.



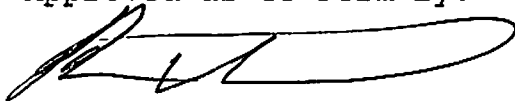
TOMMY N. SMITH, MAYOR

ATTEST:



Elaine Haynes, City Clerk

Approved as to Form By:



Ben W. Studdard  
City Attorney