ORDINANCE NO. 2002-04

AN ORDINANCE PROHIBITING SMOKING ON CITY PROPERTIES, SETTING PENALTIES FOR VIOLATIONS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, studies by the U.S. Environmental Protection Agency, the Surgeon General to the United States, the National Academy of Sciences and other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions; and

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of productivity because of such adverse reactions; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on fixtures cause losses; and

WHEREAS, the purpose of this ordinance is to protect public and employee health, safety and welfare by prohibiting smoking in City owned, leased and/or operated buildings, offices and vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. Definition:

"Smoking" means the lighting of any cigarette, cigar or pipe, or the possession of any lighted cigarette, cigar or pipe.

SECTION 2. Prohibited Smoking:

No person shall smoke inside any City owned, operated and/or leased vehicles, buildings, or offices, including elevators, stairways, hallways, restrooms and breakrooms.

SECTION 3. Smoking Areas Allowed:

Smoking may be allowed on City premises but outside of City owned, operated and/or leased buildings and offices with the approval of the City department head.

SECTION 4. Posting Of Notice

(A) The Mayor, or his designee, shall post the following or similar notice in City owned, leased and/or operated buildings and offices:

NO SMOKING
BY ORDER OF THE CITY COUNCIL
CITY OF MULBERRY
ORDINANCE NO. 2002-04

(B) Other signs and notices shall be placed on doors and in access areas to clearly reflect the City's no smoking policy.

SECTION 5. Penalties:

Any person, firm, corporation, individual association or agent thereof who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $25.00 or more than $200.00.

SECTION 6. Conflicting Ordinances:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. Validity Clause:

If any provision of this ordinance is held invalid or unconstitutional it shall be deemed severable and separable and the remaining provisions shall remain in full force and effect.

SECTION 8. Emergency Clause:

In order to protect the public health and welfare, an emergency is hereby declared to exist and this ordinance, being necessary for the preservation of the health and general welfare of the citizens of the City of Mulberry, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF FEBRUARY, 2002.

APPROVED: _____
Jeff Marvin, Mayor

ATTEST: _____
Joe Benham, Recorder-Treasurer

CITY OF MULBERRY SEAL ARKANSAS