

CITY OF MARGARET, ALABAMA
ORDINANCE NUMBER 2026-009

AN ORDINANCE TO PROHIBIT SMOKING IN PUBLIC PLACES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, Environmental Tobacco Smoke is a leading public health problem in the City of Margaret, Alabama, and throughout the United States; and

WHEREAS, the use of lighted smoking products inherently creates a health hazard of secondhand smoke, which affects the public health, indoor environment, and the enjoyment of public places; and

WHEREAS, there exists conclusive evidence that Environmental Tobacco Smoke causes cancer, cardiovascular disease, respiratory disease, negative birth outcomes, and allergies and irritations to the eyes, ears, nose, and throat of both smokers and nonsmokers; and

WHEREAS, Environmental Tobacco Smoke, which includes both exhaled and side stream smoke from burning cigarettes, causes the death of many thousands of Americans each year; and

WHEREAS, the harmful effects of Environmental Tobacco Smoke are not confined to smokers but also cause discomfort and illness to many nonsmokers; and

WHEREAS, public spaces, including food and beverage establishments and public property, have been shown to be locations of significant exposure to Environmental Tobacco Smoke by the citizens of the City of Margaret; and

WHEREAS, both the Public Health Services National Toxicology Program and the World Health Organization's International Agency for Research on Cancer identify Environmental Tobacco Smoke as a Class A carcinogen and state that there is no safe level of exposure; and

WHEREAS, the United States Surgeon General, the American Cancer Society, the American Lung Association, and the Alabama Department of Public Health have concluded that involuntary smoking is a cause of disease, including lung cancer, in nonsmokers,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARGARET, ALABAMA, that the Council recognizes the dangers of exposure to second-hand and side-stream smoke and establishes this regulation to protect and improve the public health and welfare:

SECTION 1. DEFINITIONS

As used in this chapter, the following words and terms shall have the meanings respectively ascribed:

(a) Bar means an establishment devoted primarily to the serving of alcoholic beverages for consumption by guests on the premises and where food sales represent fifty (50) percent or less of the bar's gross annual receipts. This definition includes, but is not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(b) City Employee means any person employed by the City of Margaret.

(c) City Property means any City of Margaret owned or leased land, building, or vehicle.

(d) Common Area means a hallway, corridor, lobby, aisle, water fountain area, restroom, stairwell, interior and/or exterior general public entryway or exit, refreshment area, or similar space.

(e) Employee means any person who is employed by an employer for compensation or profit.

(f) Employer means any person, partnership, corporation, association, or other entity that employs one (1) or more persons.

(g) Public or Public Place means any enclosed area available to and customarily used by the general public, or that is a public meeting area, or that is an outdoor public gathering area, and includes areas described in Section 2.

(h) Restaurant means an eating establishment including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias which offer facilities where food is prepared on the premises for serving elsewhere. The term includes a bar area within the restaurant.

(i) Smoking or Smoke includes carrying, holding, or possessing lighted smoking materials in any form, including cigarettes, cigars, pipes, or other tobacco products, as well as vapes or e-cigarettes.

(j) Workplace means any indoor area under the control of an employer to which employees have access during employment, including work areas, lounges, restrooms, conference rooms, and cafeterias. A private residence is not a workplace.

SECTION 2. OFFENSES

(a) Any owner of a building or authorized agent may designate the building smoke-free so that no smoking is permitted in any enclosed area.

(b) Except as provided in Sections 3 and 4, smoking is prohibited in the following public places:

1. Enclosed areas used by the public, including retail stores, restaurants, banks, office buildings, meeting facilities, hotels, motels, and multi-family residential buildings.
2. Vehicles of public transportation, including trains, buses, taxicabs (while transporting a fare), and limousines.
3. Elevators.
4. Common areas of multi-tenant buildings or residences.
5. Libraries, schools, museums, auditoriums, and art galleries.
6. Healthcare facilities including hospitals, clinics, laboratories, doctors' offices, and dentists' offices.
7. Indoor entertainment or recreation facilities including gyms, theaters, concert halls, bowling alleys, arenas, and pools (unless in a separately ventilated room).
8. City property areas such as parks, City Hall, bleachers, pavilions, concession areas, playgrounds, cooking areas, gazebos, tennis courts, pools, playing fields, and track areas. Designated smoking areas may be established away from gathering areas.
9. Vehicles owned by the City of Margaret.

SECTION 3. EXCEPTIONS

(a) Section 2 does not apply to:

1. Designated smoking areas under Section 4.
2. Private social function rooms with consent of sponsor and owner.
3. Limousines under private hire if owner permits.
4. Single-tenant office buildings where landlord and tenant agree.
5. Private enclosed offices within multi-tenant buildings if landlord permits and ventilation prevents smoke transfer.
6. Performers on stage as part of a theatrical production.
7. Tobacco or vape specialty retail shops.
8. Designated smoking hotel or motel rooms separated from non-smoking rooms.
9. Private social clubs or veterans' organizations approved by governing body.
10. Parking lots and decks, provided smoking is not within 25 feet of entrances/exits.
11. Private residences except licensed care facilities.

Additional clauses:

- Those allowing smoking must provide disposal containers.
 - Exceptions do not apply to City property.
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SECTION 4. DESIGNATION OF SMOKING AREAS

- A proprietor may designate outdoor smoking areas.
 - Such areas must be at least 25 feet from entrances/exits.
 - Must be marked with visible signage.
 - Must provide disposal containers.
 - Smoking areas may not be designated on City property.
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SECTION 5. RESPONSIBILITY OF PROPRIETORS

Proprietors must:

1. Post “SMOKING” or “NO SMOKING” signs or symbols.
 2. Request violators to stop smoking or move.
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SECTION 6. WORKPLACE REGULATION

- Employers may designate workplaces as non-smoking.
 - If smoking is allowed, a Section 4-compliant area must be provided.
 - Employers are not required to make structural changes to accommodate preferences.
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SECTION 7. ENFORCEMENT

Enforceable by City police officers, Fire Department representatives, county health officer, or authorized officials.

SECTION 8. FINES AND PUNISHMENT

Violations are misdemeanors punishable by:

- Minimum \$25 fine

- Up to state maximum penalty
- Each day constitutes a separate offense

City employees may also face disciplinary action.

SECTION 9. SUMMONS AND COMPLAINT

Authorizes issuance of summons instead of arrest warrant.

Includes provisions for:

- Uniform Non-Traffic Citation form
- Voluntary court appearance
- Waiver option for first offense with \$25 fine

SECTION 10. MISCELLANEOUS

- Does not override stricter laws.
- Invalid portions do not affect remainder (severability).

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective on the ____ day of _____, 2026.

Matt Tortorice, Mayor

Attest:

Tabitha Hanner, City Clerk