ORDINANCE 93-24

TO AMEND CHAPTER 6.12 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "SMOKING IN PUBLIC PLACES" (Eliminating Designated Smoking Areas in Certain Public Places ~~After December 31, 1993)*~~

WHEREAS, scientific studies have repeatedly demonstrated the serious hazards posed to the public health by exposure to secondhand tobacco smoke; and

WHEREAS, in November of 1992, the Monroe County Board of Health adopted Regulation 92-1 which prohibits smoking in indoor public places that commence construction or operation after 6/30/93 or change ownership or location after 12/31/95; and

WHEREAS, the Board also included a provision in the regulation which stated their intent for this regulation not to supersede any local laws which were more restrictive; and

WHEREAS, since BMC Chapter 6.12 is more restrictive regarding entities that were operating or had commenced operation before 7/1/93, Regulation 92-1 assures the continuing application of the BMC toward those entities; and

WHEREAS, following in the course set by Monroe County Department of Health, the Common Council desires to broaden the citizens' protection against secondhand smoke by prohibiting smoking in new public places after a fair period of notice; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 6.12.010 Definitions. of the Bloomington Municipal Code be amended by inserting item "(j)" which would read as follows:

(j) "Commence construction" shall mean that the owner has taken a substantial step toward construction of the public place including but not limited to, development of construction or remodeling plans, letting construction contracts, applying for permits, purchasing or leasing land, or initiating zoning changes.

SECTION II. Section 6.12.030 Exceptions, subsection (a) of the Bloomington Municipal Code be amended to read as follows:

(a) Lawfully designated smoking areas of restaurants, health care facilities, public meetings, public places, theaters, libraries, museums and galleries that were in operation or had commenced construction before November 15, 1993. After that date, any of these existing public places shall be ineligible for designated smoking areas if it ceases operation for more than six (6) months or changes ownership after January 1, 1996, or changes location;

SECTION III. Part (e) of Section 6.12.030 Exceptions. of the Bloomington Municipal Code be amended to read as follows:

(e) Bars that were in operation or had commenced construction before July 1, 1994, unless after that date they have ceased operation for more than six months, changed location, or changed ownership;

SECTION IV. Part (a) of Section 6.12.040 Designated smoking areas. of the Bloomington Municipal Code be amended by inserting the word **"eligible"** between the word "in" and "restaurants" as it appears in that section.

SECTION V. Part (b) of Section 6.12.040 Designated smoking areas. of the Bloomington Municipal Code be amended to read as follows:

(b) No public place covered by this chapter other than an eligible bar or a theater lobby shall be designated as a "smoking area" in its entirety; provided further, that in eligible restaurants, a "smoking area" may not exceed seventy-five percent of total available seating, unless a sign, conspicuously posted at all public entrances of the restaurant states "____%" of available seating in this restaurant has been designated non-smoking." If an eligible bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

SECTION VI. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VII. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and promulgation according to law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3 day of November, 1993.

Regina Miller
JACK W. HOPKINS, President
Bloomington Common Council
REGINA MILLER, Vice President

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of November, 1993.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8th day of November, 1993.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 6.12 of the BMC entitled, "Smoking in Public Places", by prohibiting smoking or eliminating designated smoking areas in restaurants, health care facilities, public meetings, public places, theaters, libraries, museums, galleries and bars that commence operation or construction after November 14, 1993. Any of these places existing after that date would lose their designated smoking areas if it ceases to operate for more than six months, changes ownership after January 1, 1996, or changes location. * Deleted per Amend B

Signed copies to:
Legal Dept (5)
HT- Legal
Code Enforcement

BMC - File
Clerk
CA/CM
Environmental Comm.
M.C. Legal Dept

MC. Board of Health
Ad. Admin