ORDINANCE 78-48

To Adopt Chapter 6.12 of the Bloomington Municipal Code, Entitled "Smoking in Public Places"

WHEREAS, the City of Bloomington is authorized by IC 18-1-1.5-6(c) and IC 18-1-1.5-7 to exercise controls and prohibit acts in the interest of promoting the general public health and welfare; and

WHEREAS, it has been determined that tobacco smoke is a hazard to the health of the general public, particularly nonsmokers with allergies or with respiratory or cardiovascular disease, and that the potential of fire from smoking creates hazards to individuals and property;

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

SECTION I. Chapter 6.12, Entitled, "Smoking in Public Places" be added to the Bloomington Municipal Code to read as follows:

Chapter 6.12

SMOKING IN PUBLIC PLACES

Sections:

6.12.010 Definitions.
6.12.020 Smoking Prohibited in Certain Public Places.
6.12.030 Exceptions.
6.12.040 Designated Smoking Areas.
6.12.050 Posting of Signs Required.
6.12.060 Penalty.

6.12.010 Definitions. As used in this chapter, the following terms mean, unless otherwise designated:

(a) "Bar" means any building, room or area used primarily for the sale of alcoholic beverages for consumption by guests on the premises and in which the sale of food and the provision of entertainment is merely incidental to the sale of alcoholic beverages.

(b) "Health care facility" means any office or institution providing individual care or treatment of diseases, including hospitals, clinics, nursing homes, homes for the aging or chronically ill.

(c) "Person" shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.

(d) "Public meeting" means any meeting or assembly open to the public which is held in an enclosed building for the conduct of the affairs of, and the transaction of business by, any legislative or administrative body or agency of the City of Bloomington, including boards, commissions, authorities, councils, committees, subcommittees, and other subordinate groups.

(e) "Restaurant" means any enclosed building, structure or area used as or held out to the public as having food available for payment to be consumed on the premises, including coffee shops, cafeterias, cafes, luncheonettes and soda fountains.

(f) "Theater" means any enclosed facility, open to the public, which is primarily used for or designed for the purpose of exhibiting any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

(g) "Smoke" or "smoking means 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.

6.12.020 Smoking Prohibited in Certain Public Places. It shall be unlawful for any person to smoke in any of the following areas:

(a) in elevators in buildings generally open to the public;

(b) in restaurants;

(c) in health care facilities, including rooms, wards, waiting rooms, lobbies, and public hallways;

(d) in theaters, except smoking by performers as part of the production;

(e) in public meetings;

(f) in City of Bloomington buses while carrying passengers for hire; and

(g) in libraries, museums and galleries.

6.12.030 Exceptions. The prohibitions of Section 6.12.020 shall not apply to the following:

(a) in lawfully designated smoking areas of restaurants, health care facilities, public meetings, theaters, libraries, museums and galleries;

(b) during the hours in which the particular business or institution is not open to the public;

(c) in restaurants when used for private functions;

(d) in lobbies of theaters; and

(e) in bars.

6.12.040 Designated Smoking Areas.

(a) Separate rooms or areas in which smoking is permitted may be designated in restaurants, health care facilities, public meetings, theaters, libraries, museums and galleries provided that:

(1) such rooms or areas shall be reasonably separate from those rooms or areas where smoking is prohibited; and

(2) in designated smoking areas, physical barriers and ventilation systems shall be used when possible to minimize the effect of smoke in adjacent non-smoking areas.

(b) No public place covered by this ordinance other than a bar or theater lobby shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

6.12.050 Posting of Signs Required. Any person who owns, manages, or otherwise controls any building, room, or place in which smoking is prohibited shall post or cause to be posted conspicuously signs that read "SMOKING PROHIBITED BY LAW" in letters at least two inches in height that are readily visible from all areas of the building, room or place.

6.12.060 Penalty. Any person who violates any of the provisions of this chapter shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00). Each day a violation of this chapter shall continue constitutes a separate violation.

SECTION II. This ordinance shall be in full force and effect thirty (30) days after its final adoption by the Common Council and approval by the Mayor.

SECTION III. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this chapter are declared to be severable.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of July , 1978.

John F. Richardson
John F. Richardson, President
Bloomington Common Council

ATTEST:

Nora M. Connors
Nora M. Connors, Deputy City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 24 day of July , 1978.

Nora M. Connors
Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon this 25 day of July , 1978.

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance would restrict smoking in certain public places and would operate in the following way. Smoking would be prohibited entirely on public elevators and City buses. Smoking would be allowed in separate smoking sections in health care facilities, public meetings conducted by the City, theaters, restaurants, libraries, museums, and galleries. In bars and theater lobbies smoking would be permitted, but in bars that are all-smoking, a sign must be posted to that effect. Signs readings "Smoking Prohibited by Law" would have to be posted in areas where smoking is prohibited by the ordinance. Smoking in violation of the ordinance and failure to post signs or set aside no-smoking areas would result in a fine of between $10 and $100.

I HEREBY MOVE THAT ORDINANCE # 78- 48 ,
ENTITLED Prohibit Smoking in Public Places ,
BE INTRODUCED AND READ FOR FIRST READING BY TITLE
ONLY AT THE COUNCIL MEETING HELD on 7/6/78

Floyd W. Olcott
(Signature)