

BILL NO. 16-032

ORDINANCE NO. 4735

FIRST READING 11.1.2016

SECOND READING 11.15.2016

AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 13 HEALTH AND SANITATION, ARTICLE II, SMOKING PROHIBITED IN INDOOR WORPLACES AND PUBLIC PLACES

WHEREAS, the City Council has previously determined that second hand smoke is a vital health concern and poses a risk to the Citizens of Hannibal, and previously passed Article II of Chapter 13 of its ordinances, and

WHEREAS, however that the provisions of the ordinances as passed include an unintended consequence that prohibits residents of nursing homes and other residential care facilities from smoking under most if not all circumstances due to certain practical inabilities to leave the premises of the facility in order to comply with the law, and

WHEREAS, it is the council's belief that it is appropriate to balance the burdens placed upon such residents with the protection of the rights of other non-smoking residents or employees of such facilities, and that it is therefore appropriate to amend Article II as set out herein.

NOW THEREFORE THE CITY COUCIL OF THE CITY OF HANNIBAL MAKES THE FOLLOWING AMENDMENTS TO CHAPTER 13:

SECTION ONE: Existing Section 13-27 is hereby revoked and a new Section 13-27 is enacted in its place.

SECTION TWO: Section 13-27 shall be re-enacted as follows:

Sec. 13-27. - Where smoking not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections 13-23 through 13-25:

(1) Private residences except when used as a licensed childcare, licensed adult day care or licensed health care facility.

(2) Not more than 20 percent of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooks must not infiltrate into areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

(3) Private clubs that have no employees present, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this article. This exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this article.

(4) Outdoor areas of places of employment except those covered by the provisions of section 13-26.

(5) Retail tobacco stores as defined by this article and provided that smoke does not infiltrate into areas where smoking is otherwise prohibited. This exemption shall not apply to any business that is established for the purpose of avoiding compliance with this article.

(6) Nursing homes and other residential care facilities may allow smoking only if they establish a designated smoking room. Such room must be a room designated for such sole purpose and must not be an area into which the general public is invited. The room must make provisions so that no employee shall be exposed to the smoke. Such room shall be marked with clear signage designating it as a smoking room, in such a manner as to prevent inadvertent exposure to smoke. Further, such room must be equipped to prevent smoke from infiltrating into any other areas of the facility, and must be maintained in a manner to ensure that such prevention is accomplished.

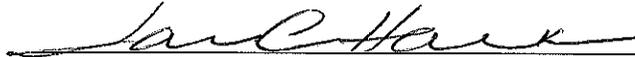
SECTION THREE: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION FOUR: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 15th day of November, 2016.

Approved this 15th day of November, 2016.


James R. Hark, Mayor

ATTEST:


Angelica N. Vance, MRCC - City Clerk