



# City of Talladega

203 West South Street  
Talladega, Alabama 35160

## Implementation of the Talladega Smoke-Free Air Ordinance Effective: Saturday, September 1, 2007

### Business Kit Instructions

The City of Talladega and Smoke-Free Talladega (funded by the Alabama Department of Public Health) have compiled a kit to assist the business community in the implementation of Ordinance 1620-prohibiting smoking in enclosed public spaces. This kit includes a “No Smoking” sign, a fact sheet for employees, and a list of frequently asked questions.

### **INSTRUCTIONS for PLACEMENT of NO SMOKING SIGN**

Owners, operators or managers must prominently post “No Smoking” signs in a position clearly visible on entry and in all areas where smoking is regulated. One sign with the universal non-smoking symbol is included in this kit.

### **Instructions for placement of FACT SHEET**

Owners, operators or managers are requested to display the FACT SHEET at a location in the business where employees may easily refer to the information.

### **Frequently Asked Questions**

These questions are available for additional information on the ordinance.

### **For more information:**

Questions regarding enforcement of the ordinance should be referred to the Talladega City Police Department at (256) 362-4162 or Talladega City Fire Department at (256) 362-3149. For specific questions related to the provisions of the ordinance, please contact the City Manager’s office in the Talladega City Hall at (256) 362-8186.

# **FACT SHEET on Talladega City Ordinance No. 1620**

## **Prohibiting Smoking in Enclosed Public Places**

### **Effective September 1, 2007**

In order to protect the Public Health and welfare and guarantee the right to breathe smoke free air, the Talladega City Government prohibits smoking in all buildings open to the public.

#### **No Smoking Signs and Smoking Paraphernalia**

The owner, operator or manager of any building open to the public shall post "No Smoking" signs or the International "No Smoking" symbol prominently in every public place and every entrance where smoking is regulated.

#### **Prohibition of Smoking in Places of Employment**

Smoking shall be prohibited in all enclosed facilities within places of employment except as provided in section VII of the ordinance. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities.

#### **Reasonable Distance**

Smoking is prohibited in a reasonable distance of ten (10) feet outside an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the building through entrances, windows, ventilation systems or other means.

#### **Employer's Responsibility with Ordinance 1620**

An owner, operator, or manager of an establishment shall:

- Ensure compliance with the provisions of the ordinance or be subject to penalty
- Ask smokers to refrain from smoking and use any other legal means to carry out the intent of the smoke-free law.
- Ensure compliance by employees with the smoke-free ordinance.

By law, the employer shall not retaliate against an employee, applicant for employment, or customer who complies with the ordinance.

#### **Enforcement**

The Talladega City Fire Department, or its designee, the Talladega County Health Department, or its designee will investigate complaints as they are received. Violations of the requirements of Ordinance No. 1620 will be documented and observed. Enforcement will be by citation issued by the Talladega Police or Fire Department. Complaints can also be made to the City of Talladega Police or Fire Chief.

#### **Violations and Penalties - Talladega City Code 1620, Sec. XII.**

Any person who willfully smokes in an area where smoking is prohibited by the provisions of the ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500) for each offense.

A person, who owns, manages, operates or otherwise controls a public place or place of employment and who fails to comply with the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500) for each offense.

\*Each calendar day during which the violation occurs will constitute a separate and distinct offense.

# Smoke Free Talladega

## Good for Health. Good for Business

### Public Places

According to Talladega City Ordinance No. 1620 Smoking is prohibited 24 hours a day in all enclosed public places in Talladega including but not limited to:

- Auditoriums, libraries, museums, and art galleries
- Areas available to and customarily used by the general public in business and non-profit entities including, professional offices, banks, and Laundromats
- Bingo facilities when a bingo game is in progress
- Bars
- Convention facilities
- Bowling alleys
- Educational facilities, both public and private
- Elevators
- Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance
- Health care facilities
- Hotel and motel lobbies
- Licensed child care and adult day care facilities
- Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multi-unit residential facilities.
- Polling places
- Private clubs when being used for a function to which the general public is invited
- Public transportation facilities, including buses and taxicabs, under the authority of the City of Talladega, and ticket, boarding, and waiting

- areas of public transit depots
- Restaurants, including attached bars
- Restrooms, lobbies, reception areas, hallways, and other common-use areas
- Retail stores
- Rooms, chambers, places of meeting or public assembly, including school buildings, under control of an agency, board, commission, committee of council of the City of Talladega or a political subdivision of the State when a meeting is in progress
- Service lines
- Shopping malls
- Sports arenas, including enclosed places in outdoor arenas

### Where Smoking is Not Regulated

- An entire room or hall which is used for private and social functions,
- A tobacco specialty retail shop\*; or
- Hotel or motel rooms that are rented to guests and are permanently designated as smoking rooms.

### Definitions

**\*Retail Tobacco Store:** A retail store utilized primarily for the sale of any tobacco products and accessories in which the sale of other products is merely incidental.

**\*Employer:** Any person, partnership, corporation, association, or other entity that employs one or more individual persons.

## Talladega Smoke-Free Air Ordinance: September 1, 2007 Frequently Asked Questions (FAQ)

**Q. What is the city of Talladega Smoke Free Ordinance?**

**A.** The smoke-free law protects the public health and welfare and guarantees the right to breathe smoke-free air in enclosed public places.

**Q. When does the law go into effect?**

**A.** Talladega's smoke-free Ordinance No. 1620, goes into effect Saturday, September 1, 2007.

**Q. What type of business will be affected?**

**A.** Any indoor enclosed area that is open to the general public. This includes, but is not limited to, retail stores, restaurants, bars, convenience stores/gas stations, hotel/motel lobbies, public and private educational institutions, professional offices and banks, shopping malls, health care facilities, nursery and convalescent homes, government buildings, public transportation facilities including busses, taxicabs and limousines, Laundromats, elevators, restrooms or common hallways in public spaces.

**Q. Where is smoking allowed?**

**A.** The following places are specifically exempted from the smoke-free law:

- An entire room or hall which is used for private social functions;
- A tobacco specialty retail shop;
- Hotel or motel rooms that are rented to guest and are permanently designated as smoking rooms

**Q. How far away from the building entrance does a smoker have to be?**

**A.** Smoking is prohibited within a distance of **10 feet** from the outside entrance of the building so as to ensure that smoke does not enter the building (the person in control of an establishment may increase this distance).

**Q. Is smoking allowed within outside areas of the restaurant or bar?**

**A.** Smoking is permitted in outside areas but must not be within 10 feet of all entrances to ensure that smoke does not enter the building through entrances, windows or ventilation systems.

**Q. Who will enforce the law?**

**A.** The Talladega City Fire Department will investigate complaints as they are received. While most smoke-free laws are self-enforcing, you can reach the Talladega City Fire Department at (256) 362-3149 if compliance with the law becomes an issue. Complaints can also be directed to the Talladega City Manager's office at (256) 362-8186 or the Talladega Police (256) 362-4162.

**Q. If I am a patron and someone is smoking in a non-smoking place, what should I do?**

**A.** Tell the owner or manager. If smoking continues, call the Talladega City Fire Department at (256) 362-3149 to initiate a complaint.

**Q. If I am a Business Owner or Manager and someone is smoking in a non-smoking area, what should I do?**

**A.** Ask the person to extinguish the cigarette or cigar immediately or to step outside to smoke. Having a designated outside smoking area 10 feet from the entrance will help to clarify where patrons are allowed to smoke. If the person refuses, ask him/her to leave the premises. As a last resort contact the Talladega Police Department as you would with any disorderly conduct incident.

**Q. If I am an employee and a patron is smoking in a non-smoking area, what do I do?**

**A.** Remind the patron of the smoke-free ordinance and ask them to extinguish the cigarette or cigar or direct them to the outside smoking area. If the person refuses to comply, tell the owner or manager on duty.

**Q. What if my employees don't abide by the ordinance? Is this grounds for discharge or termination?**

**A.** This law is no different from any other law, rule, or policy. Employees who do not follow the laws are subject to dismissal. However, the law clearly states that no persons employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer who complies with this ordinance.

**Q. What are the penalties for breaking the law?**

**A.** Following are the penalties:

- A person who smoked in a prohibited area will be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) per offense.
- An owner or manager of a public place or place of employment who fails to comply with the provisions of this ordinance will be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) per offense.

**Q. Is there a penalty for not posting signs?**

**A.** Yes.

Business owners or managers are also required to post the "No Smoking" signs included in the business kit either on all public entrances or in a position clearly visible on the building entry. Penalties may be incurred if the owner, operator or manager does not comply with the provisions of this ordinance as stated in Sections IX.

**Q. What kind of information will be provided to business owners/managers explaining the Smoke-free ordinance?**

**A.** A Business Implementation Kit will be provided to businesses. This kit will include the following information: Instruction Sheet, Fact Sheet, Frequently Asked Questions and one "No Smoking" sign.

City of Talladega, Alabama

Ordinance 1620 – Prohibiting Smoking in Public Places and Places of Employment, Providing Penalties for the Violation There of

**Business  
Implementation Packet**