

Introduced by: Council Member Watson
Introduction Date: August 28, 2018
Public Hearing: September 11, 2018
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Ordinance #18-19

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 8.10, SMOKING POLLUTION CONTROL

WHEREAS, in 1998, the City of Bethel passed Ordinance 98-07, enacting Chapter 8.10, Smoking Pollution Control;

WHEREAS, there have been no updates or amendments to Chapter 8.10 since it was passed in 1998;

WHEREAS, at the time of the passage of Chapter 8.10, the dangers of smoking were just coming to light;

WHEREAS, in 1998, the dangers of second-hand smoke were still not well known;

WHEREAS, today, the dangers of smoking and second-hand smoke are well recognized and publicized, as a result, citizens expect that smoking in public places will be prohibited;

WHEREAS, thanks to several federal and state regulations, handicap access ramps are now available in public buildings throughout most of Bethel;

WHEREAS, these handicap access ramps are utilized not just by individuals in wheelchairs, they are also utilized by elderly individuals with mobility issues, families with strollers, and other individuals whose mobility is compromised;

WHEREAS, often times smokers utilize the handicap access ramps as a convenient spot to smoke, forcing individuals with a need for the ramp to have to inhale second-hand smoke;

WHEREAS, individuals utilizing handicap ramps should have the same protections as individuals who utilize stairs to enter a building;

NOW, BE IT ORDAINED, the City Council amends the Bethel Municipal Code, Chapter 8.10, by amending the language regarding smoking near handicap ramps and entryways to public facilities.

SECTION 1. Classification. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

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SECTION 2. Amendments. Bethel Municipal Code Chapter 8.10 is amended as follows: (new language is underlined and old language is stricken):

Chapter 8.10 Smoking Pollution Control

8.10.060 Smoking outside of buildings.

- A. No person may smoke outside within ~~twenty-five~~ fifty (25 50) feet of any entrance, open window, or ventilation system intake of any building area within which smoking is prohibited by this chapter.
- B. No person may smoke outside within fifty (50) feet of any public handicap access ramp.

8.10.080 Posting of signs and removal of ashtrays.

The owner, operator, manager or other person having control of an enclosed area where smoking is prohibited under this chapter shall post conspicuously within the area and, except for vehicles, at each entrance to the area from unregulated space a sign clearly stating or showing that smoking is prohibited.

- A. A sign is adequate under this section if it states in block letters at least one and one-quarter (1 1/4) inches high, "NO SMOKING" or "SMOKING PROHIBITED" or contains the international "No Smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle at least three (3) inches in diameter with a red bar across it. Signs posted in structures shall be a minimum of eighteen (18) inches wide and six (6) inches high.
- B. The owner, operator, manager or other person having control of an area where smoking is prohibited under this chapter shall remove all ashtrays and other smoking paraphernalia from the area.
- C. The owner, operator, manager or other person having control of an area containing a public wheelchair access ramp, shall conspicuously post at least one (1) sign visible from the ramp stating that smoking is prohibited.

8.10.110 Violations and penalties.

- A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

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- B. It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.
- C. Any person who violates any provision of this chapter shall be guilty of an ~~infraction~~ violation and may be issued a citation. The penalty for these infractions is seventy-five (\$75) dollars per each separate infraction.
- ~~1. A fine of fifty dollars (\$50) for a first (1st) violation.~~
 - ~~2. A fine of one hundred dollars (\$100) for a second (2nd) violation of this chapter within one (1) year.~~
 - ~~3. A fine of three hundred dollars (\$300) for each subsequent violation of this chapter within one (1) year.~~
- D. In accordance with AS 29.25.070(a), citations for these offenses may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one (1) of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.

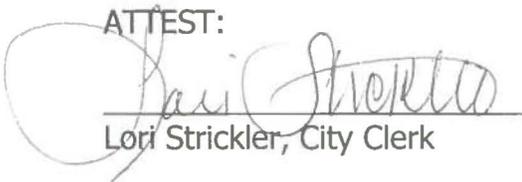
SECTION 3. Effective Date. This ordinance shall become effective on January 1, 2019.

ENACTED THIS 11 DAY OF SEPTEMBER 2018, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk