

Chapter 10

HEALTH*

* **Cross References:** Rabies, inoculations, §§ 4-22, 4-25; fire prevention standards, § 5-137 et seq.; fire prevention and protection generally, Ch. 9; weeds and other obnoxious conditions, § 15-16 et seq.; junk, § 15-35 et seq.; sewer and sewage disposal, Ch. 19; solid wastes, Ch. 20; removal of dead animals, § 20-28.

Art. I. In General, §§ 10-1--10-15

Art. II. Water Shortage Emergency, §§ 10-16--10-30

Art. III. Smoking in Public Places, §§ 10-31--10-47

ARTICLE I.

IN GENERAL

Secs. 10-1--10-15. Reserved.

ARTICLE II.

WATER SHORTAGE EMERGENCY*

* **Editors Note:** Ord. No. 1220, adopted July 15, 1986, was not specifically amendatory of the Code; hence, codification of §§ 1--5 as §§ 10-16--10-20 was at the editor's discretion.

Sec. 10-16. Definitions.

For the purpose of this article the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used to the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

City shall mean the City of Auburn, Alabama.

Public water supply is the water distribution system owned and operated by the waterworks board of the City of Auburn.

Water is water taken from the public water supply.

Water shortage emergency is the declaration of such by the mayor of the City of Auburn.
(Ord. No. 1220, § 1, 7-15-86)

Sec. 10-17. Applicability.

The provisions of this article shall apply to all users of the public water supply in the city and its police jurisdiction.

(Ord. No. 1220, § 2, 7-15-86)

Sec. 10-18. Implementation.

The mayor is hereby authorized and empowered to declare a water shortage emergency whenever, in her opinion, or in the opinion of the waterworks board of the City of Auburn and upon its recommendation to the mayor, there exists in the city a shortage of water from the public water supply and such shortage endangers the health, safety and welfare of the citizens of the city. After declaring a water shortage emergency, the mayor shall give written notice of said declaration of emergency by publication one time in a newspaper of general circulation in the city. When a water shortage emergency is declared as provided herein, it shall continue until the mayor shall publish a notice in a newspaper of general circulation in the city that the emergency no longer exists.

(Ord. No. 1990, § 3, 7-15-86)

Sec. 10-19. Prohibited water uses.

When a water shortage emergency is declared and notice thereof is published as provided in section 10-18 above, it shall be unlawful for any user of the public water supply to use or to allow water to be used for any of the following purposes:

- (1) The sprinkling, watering, or irrigating of shrubbery, trees, lawns, grass, ground cover, plants, vines and gardens.
- (2) The operation of any outdoor ornamental fountain or other structure using water with or without a recirculating system.
- (3) The washing of automobiles, trucks, trailers, mobile homes, campers, boats, or any other type of mobile equipment.
- (4) The filling of swimming pools.
- (5) The washing of sidewalks, driveways, porches, exterior of homes, apartments or other exterior surfaces.

(Ord. No. 1990, § 4, 7-15-86)

Sec. 10-20. Penalties.

Violation of any provision of this article shall be subject to the following penalties:

- (1) For the first violation: A fine of fifty dollars (\$50.00).
- (2) For the second violation: A fine of two hundred dollars (\$200.00).

(3) For the third and subsequent violations: A person shall be punished as provided in section 1-9 of the Code of the City of Auburn (1984) as amended and revised.

(Ord. No. 1990, § 5, 7-15-86)

Sec. 10-21. Lifting of restrictions.

The mayor, upon recommendation of the waterworks board, may lift certain restrictions on water use by classes of users.

(Ord. No. 1233, § 1, 11-4-86)

Editors Note: Ord. No. 1233, § 1, adopted Nov. 4, 1986, adding § 6 to Ord. No. 1220, has been included as § 10-21 at the editor's discretion.

Secs. 10-22--10-30. Reserved.

ARTICLE III.

SMOKING IN PUBLIC PLACES

Secs. 10-31--10-40. Reserved.

Sec. 10-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Auburn.

Employee means any person who is employed by an employer for compensation or profit.

Employer means any person, partnership, corporation, association or other entity, that employs five (5) or more persons.

Place of employment means any indoor area under the control of an employer to which employees have access during the course of employment, including, but not limited to: stores, offices and other commercial establishments, restaurants, public and private educational institutions, health care facilities, nursery and convalescent homes, government buildings, public transportation vehicles, elevators, restrooms, and other areas as described herein.

Smoking or *smoke* shall include the carrying, holding, or possession of lighted smoking materials in any form, including but not limited to, the possession of lighted cigarettes, cigars, pipes, or other tobacco products.

(Ord. No. 2168, § 1, 11-4-03)

Sec. 10-42. Prohibitions.

Except as provided in section 10-43, smoking is prohibited in any of the following public places:

(1) Any commercial establishments, including but not limited to retail stores, restaurants, banks,

office buildings, and offices;

- (2) Any vehicles of public transportation; including but not limited to buses, taxicabs, and limousines;
- (3) Elevators;
- (4) Restrooms;
- (5) Libraries, schools or other educational facilities, museums, auditoriums and art galleries;
- (6) Any public area of health care facilities, health clinics or ambulatory care facilities, including but not limited to laboratories associated with the rendition of health care treatment, hospital rest homes, doctors' offices and dentists' offices;
- (7) Any indoor places of entertainment or recreation, including but not limited to gymnasiums, theatres, concert halls, and arenas;
- (8) Any other enclosed areas used by the public or serving as a place of employment.

(Ord. No. 2168, § 1, 11-4-03)

Sec. 10-43. Exceptions.

Section 10-42 and the restrictions imposed therein shall not apply to:

- (1) An entire room or hall which is used for private social functions;
- (2) Performers upon the stage, provided that the smoking is part of a theatrical production;
- (3) A tobacco specialty retail shop; or
- (4) Hotel or motel rooms that are rented to guests and are permanently designated as smoking rooms.

(Ord. No. 2168, § 1, 11-4-03)

Sec. 10-44. Responsibility of proprietors.

The proprietor or other person having control of any area within section 10-42 shall:

- (1) Prominently post "NO SMOKING" signs or the international "NO SMOKING" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it. The proprietor or other person having control of such building or public place shall clearly and conspicuously post such sign in every room, building or other area where smoking is regulated by this article.
- (2) Post signs conspicuously in the lobby of every theatre stating that smoking is prohibited within

the theatre or auditorium.

(3) Request any person smoking in violation of this article to stop.
(Ord. No. 2168, § 1, 11-4-03)

Sec. 10-45. Reasonable distance.

Smoking is prohibited within a reasonable distance of ten (10) feet outside an enclosed area where smoking is prohibited, so as to ensure tobacco smoke does not enter the area through entrances, windows, ventilation systems or other means.
(Ord. No. 2425, 9-5-06)

Sec. 10-46. Enforcement.

The provisions of this article are enforceable by the Lee County Health Officer or a duly authorized representative thereof, or the city manager or his duly authorized representative or representatives.
(Ord. No. 2168, § 1, 11-4-03; Ord. No. 2425, 9-5-06)

Sec. 10-47. Penalty.

[Violation of any provision of this division shall be] a misdemeanor subject to punishment as set forth in section 1-9 of the City Code.
(Ord. No. 2168, § 1, 11-4-03; Ord. No. 2425, 9-5-06)

Sec. 10-48. Effective date.

This ordinance [Ordinance No. 2425] shall be effective on the 15th day of November 2006, but shall, nonetheless, be published as required by law and codified in the Code of the City Auburn, Alabama.
(Ord. No. 2425, 9-5-06)

Sec. 10-49. Repeal of existing ordinance.

Editors Note: Ord. No. 2425, § 1, adopted Sept. 5, 2006, repealed Ord. No. 1417, adopted April 21, 1992, which pertained to smoking.