



Fultondale Smokefree Ordinance: Frequently Asked Questions

Q: What is the Fultondale Smokefree Ordinance?

A: The Fultondale Smokefree Ordinance (Ord. No. 11-606) is a local law adopted by the Fultondale City Council. It requires all Fultondale enclosed public places and workplaces, all inside and outdoor common areas of multi-unit housing and trailer parks, and certain other outdoor facilities and spaces to be 100% smokefree as of September 1, 2011.

Q: Who passed this law?

A: The Fultondale City Council passed this ordinance July 11, 2011.

Q: What does the ordinance require?

A: The ordinance requires the following areas to be smokefree:

- Enclosed public places within the city of Fultondale
- Enclosed places of employment, outdoor work areas, and vehicles used during employment
- Childcare and adult daycare facilities
- Public transportation vehicles
- Private clubs
- Enclosed residential facilities, including all private and semi-private nursing home rooms and all hotel and motel sleeping rooms
- Within 20 feet of any outside entrances, operable windows, and ventilation systems of any buildings required to be smokefree
- In and within 20 feet of outdoor play, seating, serving, or waiting areas of
 - Restaurants and bars
 - Playgrounds
 - Outdoor public transportation stations, platforms, and shelters
- In all outdoor arenas, stadiums, and amphitheaters, and within 20 feet of bleachers and grandstands
- In all outdoor service lines, including for drive-up window service, for both pedestrians and persons in vehicles who are within 20 feet of the point of service
- Indoor and outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities

Q: Does this include city-owned facilities?

A: Yes. All enclosed areas, including buildings and vehicles owned, leased, or operated by the City of Fultondale, as well as all outdoor adjacent property to city-owned and operated buildings, are subject to the ordinance.

Q: How does the ordinance affect private property?

A: The ordinance applies to any enclosed area the public is permitted to enter, regardless of ownership, and all places of work without exception. The ordinance applies to all private clubs. The ordinance does not apply to private residences, unless they are used to operate an adult or child daycare or health care facility.

Q: What constitutes smoking?

A: *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of e-cigarettes.

Q: What is an “enclosed area?”

A: *Enclosed Area* means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

Q: What is a “place of employment?”

A: A *place of employment* is an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. Outdoor places of employment are included.

Q: Are there any exceptions to the ordinance?

A: Yes. The law does not apply to:

- Private residences, unless the residence is used as a daycare, an adult foster care home, or a health care facility.
- Private vehicles.

Q: Why is the Fultondale Smokefree Air Ordinance important?

A: The ordinance protects each individual’s right to breathe clean air, and it protects public health. In 2006, the U.S. Surgeon General declared, there is no safe level of exposure to secondhand tobacco smoke. Exposure to secondhand smoke causes lung cancer and other fatal and debilitating diseases. It also damages infants’ and children’s health. Smokefree ordinances like Fultondale’s have been shown to reduce heart attack incidence by at least 19 percent.

Q: How will the Fultondale Smokefree Air Ordinance affect businesses?

A: Many recent studies show that comprehensive smokefree laws do not adversely affect restaurants and other businesses. Businesses that become smokefree may experience any of the following economic benefits:

- Improved health and fewer missed work days for employees
- 25-30 percent reduction in fire insurance cost, due to the reduced risk of fire
- Significantly reduced cleaning costs
- Discounts on life, disability, and health insurance for employees who are nonsmokers

Q: What does the law require of me as a business owner or operator?

A: All enclosed public places and or places of employment must be smokefree. You must post no-smoking signs that are clearly visible at all public entrances. You must remove all ashtrays. You must inform all existing employees about Fultondale’s smokefree ordinance by September 1, 2011, and you must inform all prospective employees of the ordinance upon their application for employment.

Q: Will the City of Fultondale provide no-smoking signs that I can post to comply with the law?

A: Yes. Your Business Implementation Kit contains no-smoking signs. You can order additional signs by using the order form provided in this kit.

Q: My business currently permits smoking. How can I prepare for it to become smokefree?

A: Be positive and take the following steps:

- Meet with your staff and discuss the law.
- Inform your employees that you intend to comply with the ordinance and explain why.
- Offer your employees who smoke information on quitting. Most people who smoke want to quit, and many will welcome this ordinance as the reason to do so. Smoking cessation services are available through the 1-800-QUIT-NOW, a service offered through the Alabama Department of Public Health.
- Distribute the Fultondale Smokefree Ordinance brochure.
- Talk to customers in advance. Help them remain positive.
- Remember that the vast majority of people do not smoke.
- By September 1, 2011:
 - o Remove all indoor ashtrays and any outdoors that are within 20 feet of entrances, operable windows, or vents.
 - o Post no-smoking signs at each public entrance.

Q: What do I do if a customer smokes in my establishment?

A: If one of your customers smokes in any smokefree area, indoors or outside, ask the customer to extinguish the smoking device. If the individual continues to smoke, refuse service and ask the individual to leave. If the individual continues to smoke and refuses to leave, you may contact the Fultondale Police, Fire, or Inspections Department, or the Jefferson County Department of Health.

Q: What is the process for non-compliance with the law?

A: Most smokefree laws are self-enforcing, once significant outreach and education has occurred and signs are posted. As with other communities that have adopted smokefree air ordinances, the need for enforcement will likely be minimal, since most people do not smoke. However, the ordinance designates enforcement authority with city police and fire departments, the fire marshal, city

inspectors and county health officer or a designee. Also, according to the ordinance, anyone who observes a violation may make a complaint to the City of Fultondale Police, Fire, or Inspections Department, or the Jefferson County Department of Health.

Q: What about designated outdoor smoking areas?

A: Secondhand smoke kills people. When people smoke outside of a building, secondhand smoke can drift inside through air intake vents, open windows, and doorways. The ordinance provides for smokefree areas within 20 feet of all entryways, operable windows, and ventilation systems.

Q: What about designated smoking areas for outdoor common areas of multiple-unit residential facilities?

A: The ordinance permits designated smoking areas for outdoor common areas of multiple-unit residential facilities. Designated smoking areas may not exceed 25% of the total outdoor common area and must be located at least 20 feet away from outside entrances, operable windows, and ventilation systems.

Q: Can residents file complaints if a designated smokefree area, city building, workplace or enclosed public area is not in compliance?

A: Yes. Residents may contact the Fultondale Police, Fire, or Inspections Department, or the Jefferson County Department of Health, to alert health authorities of a problem.

Q: Are there penalties for violating the ordinance?

A: Yes, as follows:

- A person who smokes in a smokefree area is guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- Owners, managers, and operators of public places and places of employment who fail to comply with the ordinance provisions are guilty of an infraction, punishable by:
 - o A fine not exceeding one hundred dollars (\$100) for a first violation.
 - o A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - o A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
 - o Each day on which a violation occurs is considered a separate and distinct violation.

Q: Where can I obtain or view the Fultondale Smokefree Air Ordinance?

A: You can read and download the full language of the law at: www.cityoffultondale.com.

Questions? For additional information, log on to www.cityoffultondale.com.