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Making a Difference!

December 6, 2004

Memorandum for City Administrator

**Subject: Proposed Ordinance on No Smoking in the Salisbury Zoo
and Ben's Red Swings**

The attached proposed ordinance establishes no smoking at the City Zoo and Ben's Red Swings.

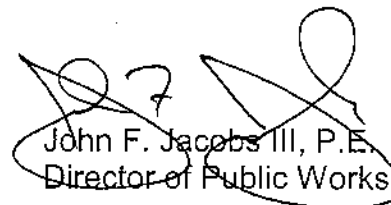
The standards were established based on complaints and recommendations from visitors and City staff.

Extracts of the current City Code are at Enclosure 1 and the proposed revisions are provided as the Ordinance at Enclosure 2.

The City Solicitor, Zoo Commission, and the Layton family have reviewed the proposed ordinance. They concur with it.

Unless you or the Mayor, have further questions, please forward this memorandum to the City Council. For any additional questions you may have, I can be reached at (410) 548-3170 or by e-mail at jjacobs@ci.salisbury.md.us.

Sincerely,



John F. Jacobs III, P.E.
Director of Public Works

Enclosure: as

JOHN F. JACOBS III, P.E.
DIRECTOR

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DEPUTY DIRECTOR

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Chapter 8.32

SMOKING

Sections:

- 8.32.010 Definitions.
- 8.32.020 Smoking prohibited in certain areas.
- 8.32.030 Exceptions.
- 8.32.040 Designation of smoking areas.
- 8.32.050 Violations—Penalties.
- 8.32.060 Effect on fire and health regulations.
- 8.32.070 Regulations for posting no-smoking signs.

8.32.010 Definitions.

In this chapter, the following words shall have the meanings indicated:

“City” means the city of Salisbury, Maryland.

“Common use space” means the lobby, lounge, maintenance, telephone and storage areas of the government office building.

“County/city combined use space” means the planning and zoning office, council chambers, conference rooms and central reproduction.

“Government office building” means that building known as the “government office building,” located at East Church Street and North Division Street in the city.

“Leased building” means any building leased exclusively to the city and those portions of any building that are exclusively leased to the city.

“Smoking” or “to smoke” means the act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind. (Prior code § 133-1)

8.32.020 Smoking prohibited in certain areas.

Except as provided in Section 8.32.030, it is unlawful for any person to smoke in any of the following areas:

- A. In any city-owned building;
- B. In any city-leased building;
- C. In all common areas, meeting rooms, lunchrooms, and all city-occupied office areas in the government office building;
- D. In all city-owned or operated vehicles. (Ord. 1785, 2001)

8.32.030 Exceptions.

The prohibitions contained in Section 8.32.020 shall not apply in the following:

- A. Designated smoking areas;
- B. In any city-owned building which is leased to another party. (Prior code § 133-3)

8.32.040 Designation of smoking areas.

The mayor may designate a separate room or area in which smoking is permitted in a city-owned building, city-leased building or the government office building provided that any area so designated must meet the requirements for the designation of smoking areas set forth in the Code of Maryland Administrative Regulations

ORDINANCE No. 1921

AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND TO AMEND SECTION 8.32.020 OF THE CITY CODE TO PROHIBIT SMOKING IN THE SALISBURY ZOO AND BEN'S RED SWINGS PLAYGROUND.

WHEREAS the City Council desires to provide a safe environment for the visitors to the City of Salisbury Zoo and Ben's Red Swings Playground;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the City of Salisbury, Maryland, in regular session, that Section 8.32.020 is hereby amended to read:

Chapter 8.32
Smoking

Section 8.32.020 – Smoking prohibited in certain areas.

Except as provided in Section 8.32.030, it is unlawful for any person to smoke in any of the following areas:

- A. In any city-owned building;
- B. In any city-leased building;
- C. In all common areas, meeting rooms, lunchrooms, and all city-occupied office areas in the government office building;
- D. In all city-owned or operated vehicles (Ord. 1785, 2001); and
- E. In the fenced perimeters of the city zoo and Ben's Red Swings playground.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, the changes set forth in this Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the ___ day of _____, 2004, and having been published as required by law, in the meantime, was finally passed at its meeting on the ___ day of _____, 2004.

ATTEST:

Brenda J. Colegrove
City Clerk

Michael P. Dunn
President of the City Council of the
City of Salisbury

Approved by me this _____ day of _____, 2004.

Barrie P. Tilghman
Mayor of the City of Salisbury