



## ORDINANCE 931

**AN ORDINANCE ESTABLISHING SUPPORT FOR AND EXPANSION OF IDAHO STATUTE TITLE 39, CHAPTER 55, CLEAN INDOOR AIR; STATING THE PURPOSE OF THE ORDINANCE; DEFINING TERMS; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

**WHEREAS**, the City Council for the City of Rexburg has determined that a significant community-wide health issue will be addressed by Idaho Statute Title 39, Chapter 55, within the City Limits; and

**WHEREAS**, the aforementioned statute allows cities to expand upon the protections set forth in the Clean Indoor Air statute; and

**WHEREAS**, the City desires to provide for the additional protection of individuals within Bowling Alleys within the City Limits of Rexburg; and

**WHEREAS**, it appears to the Mayor and City Council of the City of Rexburg, Idaho, that a prohibitions of smoking in bowling alleys consistent with the other terms of the Clean Indoor Air statute would be in the best interests of the community and the citizens of the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Rexburg, as follows:

**SECTION I: Purpose.** The purpose of this Ordinance is to protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg.

**SECTION II: Prohibitions.** Within the City Limits of Rexburg, in additions to the facilities identified in Idaho Statute Title 39, Chapter 55 as having smoking prohibitions, no person shall smoke in a bowling alley, or in any part of the structure housing a bowling alley.

**SECTION III: Owner Responsibility.** Any employer or other person in charge of a bowling alley or other establishment within a common structure with a bowling alley, shall be responsible for insuring to the best of their ability that no smoking of tobacco products occurs in violation of this Ordinance.

**SECTION IV: Penalties.**

(A) Any person who violates a provision of this chapter shall be guilty of an infraction, and shall be subject to a fine not to exceed one hundred (\$100.00).

(B) Upon a second conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code, Section 18-113, as amended, and be fined no less than One Hundred Dollars (\$100.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

(C) Upon a third or greater conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code, Section 18-113, as amended, and be fined no less than Two Hundred and Fifty Dollars (\$250.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

**SECTION V:** This ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 16<sup>th</sup> day of February, 2005.

