

ORDINANCE 10-21-14-A

AN ORDINANCE PROHIBITING THE USE OF HOOKAH SMOKING PIPES
IN ALL COMMERCIAL AND BUSINESS ESTABLISHMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA, AS FOLLOWS:

WHEREAS, the City Council has been made aware that there has been throughout the State of Alabama and the United States a proliferation of establishments which offer smoking pipes referred to as "hookah" pipes used for the smoking of flavored tobacco or non-tobacco substances;

WHEREAS, the City Council has been made aware of various advisories from the Centers for Disease Control's concerning the serious health risks of "hookah" use, see <http://www.cdc.gov/features/hookahsmoking/> ;

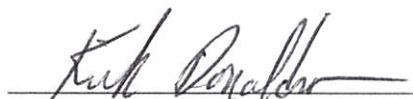
WHEREAS, under Alabama law, the City Council is empowered to pass ordinances for purposes of safety, preservation of health, promotion of prosperity, morals, order, comfort and convenience of the inhabitants of the City of Enterprise (Ala. Code § 11-45-1) and the City finds that due to the health risks of hookah, a prohibition of hookah smoking should be imposed in restaurants, lounges, bars, cafes, tobacco shops, and all commercial and business establishments in the City of Enterprise;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA, AS FOLLOWS:

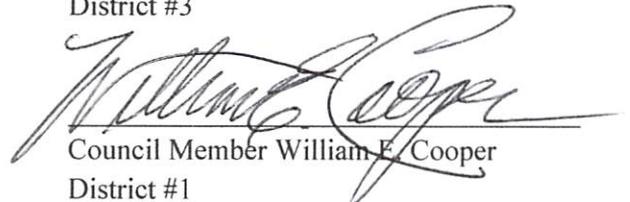
- a) The City Council does hereby prohibit hookah smoking in the corporate limits of the City of Enterprise in all commercial and business establishments, whether said establishments are for profit or non-profit, where members of the public may enter for any purpose. Such establishments also include those establishments which may have private club liquor license status.
- b) For purpose of this ordinance, "hookah" is defined as a bowl-shaped device with a tubular pipe or pipes. It also may be called waterpipe, shisha or hubble-bubble. Hookah is further defined as the process where heated air is passed through a tobacco or non-tobacco mixture and then through a water-filled chamber and, ultimately, through the pipe for the user to inhale.
- c) Any commercial or business establishment owner, lessee or other person or entity having operational control of the establishment and who violates this ordinance shall be subject to having its/his/her business license revoked and be subject to being punished by up to a \$500.00 fine for each offense and/or imprisonment up to the maximum as allowed by the municipal court's jurisdiction.
- d) The provisions of this ordinance is severable. If any section, subsection or provision shall be declared to be invalid or unconstitutional by judgment or decree or a court of competent jurisdiction, such judgment or decree shall not affect any other section, subsection or provision of this ordinance.
- e) This ordinance shall take effect upon its approval by the City Council, or upon its otherwise becoming law, but shall nevertheless be published as required by law.

Adopted this 4th day of November, 2014

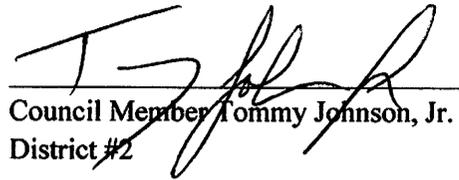
COUNCIL:



Council President Kirk Donaldson
District #3



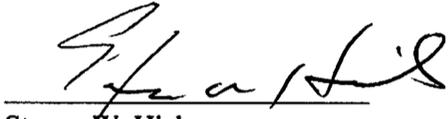
Council Member William F. Cooper
District #1


Council Member Tommy Johnson, Jr.
District #2

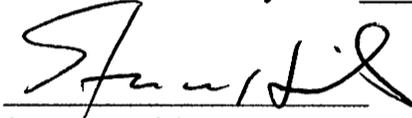

Council Member Wallace "A" Miller, Jr.
District #4


Council Member Rhett Marques
District #5

ATTEST:

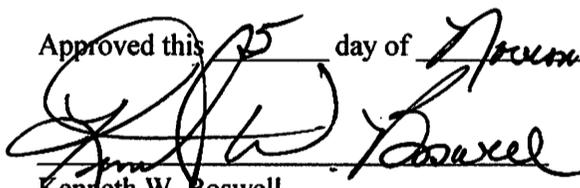

Steven W. Hicks
City Clerk/Treasurer

Transmitted to the Mayor this 5th day of November, 2014

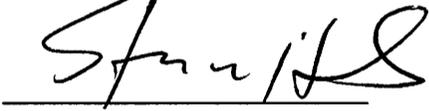

Steven W. Hicks
City Clerk/Treasurer

ACTION OF THE MAYOR:

Approved this 15 day of November, 2014


Kenneth W. Boswell
Mayor

ATTEST:


Steven W. Hicks
City Clerk/Treasurer