

**ORDINANCE ADOPTING THE MERIDIAN SMOKE-FREE  
AIR ORDINANCE OF 2010 AS PART OF THE CODE OF  
ORDINANCES, CITY OF MERIDIAN, MISSISSIPPI**

**WHEREAS**, the City Council of the City of Meridian, Mississippi, has, based on findings of fact, determined that the health, safety, and welfare of the City's residents are a primary concern, such that the City Council should adopt a Smoke-Free Air Ordinance of 2010;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN MISSISSIPPI, THAT:**

**WHEREAS**, the City Council has determined that the Meridian Smoke-Free Air Ordinance of 2003 should be updated and amended based on new findings.

**SECTION A:** The Meridian Smoke-Free Air Ordinance shall read as follows:

**Section 1.**

This article shall be known as the "City of Meridian Smoke-Free Air Ordinance of 2010."

**Section 2. Findings and intent.**

**WHEREAS**, the City, pursuant to **Section 21-17-5** of the Mississippi Code, is authorized to make regulations to secure the general health of the municipality; and

**WHEREAS**, the City, has the duty to protect and promote the health of its citizenry.

**THEREFORE**, the City Council of the City of Meridian, Mississippi, does hereby find that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, National Toxicology Program, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

Secondhand smoke is particularly hazardous to elderly people, individuals with

cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke," Tobacco Control 6(4): 346-353, Winter, 1997.)

The Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," Nonsmokers' Voice 15(1): 8-9.)

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. "The Health Consequences of Involuntary Smoking: A Report of the Surgeon General," Public Health Service, Centers for Disease Control, 1986.)

The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," Washington, D.C.: Environmental Protection Agency (EPA), June 1989.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free. Creation of smoke free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. "The effect of ordinances requiring smoke free restaurants on restaurant sales in the United States." American Journal of Public Health, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

The 2006 U.S. Surgeon General's Report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," has concluded that: (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory problems and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General," U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and health promotion, Office on Smoking and Health, 2006.)

Based on a finding by the California Environmental Protection Agency in 2005, the California Air Resources Board has determined that secondhand smoke has serious health effects, including low birth-weight babies; sudden infant death syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung cancer, sinus cancer, and breast cancer in young, premenopausal women; heart disease; and death. (Appendix II Findings of the Scientific Review Panel: Findings of the Scientific Review Panel on Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant as adopted at the Panel's June 24, 2005, meeting, California Air Resources Board (ARB), September 12, 2005.) There is no safe level of exposure to secondhand smoke. (Environmental Protection Agency (EPA), "Respiratory health effects of passive smoking: lung cancer and other disorders, the report of the U.S. Environmental Protection Agency. Smoking and Tobacco Control Monograph 4," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI); Environmental Protection Agency (EPA), August 1993; California Environmental Protection Agency, "Health Effects of Exposure to Environmental Tobacco Smoke," 1997; California Air Resources Board, "Proposed identification of environmental tobacco smoke as a toxic air contaminant," Sacramento: California Environmental Protection Agency (Cal-EPA), Air Resources Board, Stationary Source Division, Air Quality Measures Branch, Office of Environmental Health Hazard Assessment (OEHHA), September 29, 2005.)

A study of hospital admissions for acute myocardial infarction in Helena, Montana, before, during and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., "Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study," British Medical Journal 328: 977-980, April 24, 2004.)

The U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes at day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" British Medical Journal 328: 980-983, April 24, 2004.)

Given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smoke-free in their entirety. (Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke," American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), 2005.)

The Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity. (Behan, D.F.; Eriksen, M.P.; Lin, Y., "Economic Effects of Environmental Tobacco Smoke," Society of Actuaries, March 31, 2005.)

All of the above facts and findings are equally true inside the city of Meridian, Mississippi.

Hundreds of communities in the United States, plus numerous states, including California, Delaware, Florida, Massachusetts, Montana, New Jersey, New York, and Washington, have enacted laws requiring workplaces, restaurants, bars, and other public places to be smoke-free, as have numerous countries, including Ireland, New Zealand, Norway, Scotland, Sweden, Uganda, and Uruguay.

There is no legal or constitutional "right to smoke" and business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke. On the contrary, employers have a common law duty to provide their workers with a workplace that is not unreasonably dangerous.

The smoking of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance in the City of Meridian, Mississippi.

Accordingly, the City Council of the City of Meridian, Mississippi, finds and declares that the purposes of this article are to: (1) protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) guarantee the right of all citizens to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall outweigh the desire to

smoke.

### **Section 3. Definitions.**

The following words and phrases, whenever used herein, shall be construed as defined in this section:

- (a) “*Bar*” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the gross receipts for the sale of food does not exceed percent of the total gross receipts, including but not limited to cocktail lounges, nightclubs, taverns, and cabarets.
- (b) “*Business*” means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.
- (c) “*Employee*” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteer his or her services for a non-profit entity.
- (d) “*Employer*” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- (e) “*Enclosed area*” means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
- (f) “*Health care facility*” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semi-private rooms, and wards within health care facilities.
- (g) “*Place of employment*” means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms; meeting rooms, classrooms, employee

cafeterias, hallways, and vehicles. A private residence is not a “place of employment” unless it is used a childcare, adult day care, or health care facility.

- (h) “*Private Club*” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established by laws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club member under 26 U.S.C. Section 501.
- (i) “*Public place*” means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health care facilities, Laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a childcare, adult day care, or health care facility.
- (j) “*Restaurant*” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include an attached bar.
- (k) “*Retail tobacco store*” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (l) “*Service line*” means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
- (m) “*Shopping mall*” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- (n) “*Smoking*” means inhaling, exhaling, burning, or carrying any lighted cigar,

cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

- (o) “*Sports arena*” means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.
- (p) “*Stand-alone bar*” means an establishment described in Definition (A) above and is not located within, an does not share any common entry or common indoor area with, any other enclosed workplace, including a restaurant.

#### **Section 4. Application of article to city-owned facilities.**

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Meridian shall be subject to the provisions of this Article.

#### **Section 5. Prohibition of smoking in public places.**

Smoking shall be prohibited in all enclosed public places within the City of Meridian, including, but not limited to, the following places:

- (a) Galleries, libraries, and museums.
- (b) Area available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
- (c) Bars.
- (d) Bingo facilities.
- (e) Child care and adult care facilities.
- (f) Convention facilities.
- (g) Educational facilities, both public and private.
- (h) Elevators.
- (i) Facilities primarily used for exhibiting a motion picture, stage drama, lecture, musical recital, or other similar performance.

- (j) Health care facilities.
- (k) Hotels and motels, including at least eighty percent (80%) of rooms that are rented to guests.
- (l) Lobbies, enclosed hallways, laundry rooms, clubhouses and other common areas in apartment buildings, condominiums, mobile home parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (m) Polling places.
- (n) Private clubs, when being used for functions to which the general public is invited.
- (o) Public transportation facilities, including buses and taxicabs, under the authority of the City of Meridian, and ticket, boarding, and waiting areas of public transit depots.
- (p) Restaurants.
- (q) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (r) Retail stores.
- (s) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee, or Council of the City of Meridian or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the City of Meridian.
- (t) Service lines.
- (u) Shopping malls.
- (v) Sports arenas, including enclosed places in outdoor arenas.

**Section 6. Prohibition of smoking in places of employment.**

- (a) Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(b) This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

**Section 7. Prohibition of smoking in the following outdoor places.**

Smoking shall be prohibited in the following outdoor places:

- (a) Within the reasonable distance of twenty (20) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.
- (b) In outdoor seating or serving areas of restaurants and within twenty (20) feet thereof.
- (c) In all outdoor arenas, stadiums, and amphitheaters, except in designated smoking areas, which may be established in the perimeter areas at least twenty (20) feet from any seating areas or concession stands. Smoking shall also be prohibited in, and within twenty (20) feet of bleachers and grandstands for use by spectators at sporting and other public events.
- (d) In all public transit stations, platforms, and shelters under the authority of the City of Meridian.

**Section 8. Where smoking is not regulated.**

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 5 (public places where smoking is prohibited) and 6 (no smoking in places of employment):

Private residences, except when used as a childcare, adult day care, or health care facility.

Not more than twenty percent (20%) of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

Membership Private clubs that have no employees, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this Article. This exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this Article.

Outdoor areas of places of employment, except those covered by the provisions of Section 7 (prohibition of smoking in outdoor areas).

Retail tobacco stores, provided that smoke from these areas does not infiltrate into areas where smoking is prohibited under the provisions of this Article.

**Section 9. Declaration of establishment as nonsmoking.**

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 10(a) is posted.

**Section 10. Posting of signs.**

(a) “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 red cross bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment under this Article shall have at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

(c) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

**Section 11. Non-retaliation.**

(a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts prosecute a violation of this Article. Notwithstanding Section 13, violation of this Section shall be a misdemeanor, punishable by a fine not to exceed \$1,000.00 for each violation.

(b) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

## **Section 12. Enforcement.**

- (a) This Article shall be enforced by the Meridian Police Department or through private affidavits.
- (b) Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Meridian.
- (c) Citizens who desire to file a complaint under this Article may initiate enforcement with the City Court. At least two persons filing separate individual affidavits will be required for each violation.
- (d) The Meridian Police Department and the Meridian Fire Department, or their designees, shall, while an establishment is undergoing mandated inspections, inspect for compliance with this Article.
- (e) An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
- (f) Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
- (g) In addition to the remedies provided by the provisions of this Section, the Meridian Police Department and Meridian Fire Department, or any person aggrieved by the failure of any owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may seek injunctive relief to enforce those provisions in any court of competent jurisdiction.

## **Section 13. Violations and penalties.**

- (a) A person who smokes in an area where smoking is prohibited by the provisions of this Article shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not exceeding \$50.00 per violation.
- (b) Except as otherwise provided in Section 1 (a), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall, upon conviction, be guilty of a misdemeanor, punishable by:

A fine not exceeding \$100.00 for a first violation.

A fine not exceeding \$200.00 for a second violation within one year of any prior violation.

A fine not exceeding \$500.00 for a third or more violation within one (1) year of the first.

(c) In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any City permit or license issued to the person for the premises on which the violation occurred.

(d) Each day on which an infraction of this Article occurs shall be considered a separate violation.

(e) Violation of this Article is hereby declared to be a public nuisance, which may be abated by the City of Meridian by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Meridian may take action to recover costs of the nuisance abatement.

#### **Section 14. Public education.**

The Meridian Police Department or its designee shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Article.

#### **Section 15. Governmental agency cooperation.**

The Meridian Police Department and Meridian Fire Department shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this Article. This may include urging all federal, state, county, and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

#### **Section 16. Liberal construction.**

This Article shall be liberally construed so as to further its purposes.

**SECTION B.** All provisions of the Code of Ordinances of the City of Meridian, Mississippi, in conflict with the provisions of this Article shall be, and the same are hereby, repealed; and, all other provisions of the Code of Ordinances of the City of Meridian, Mississippi, not in conflict with the provisions of this Article shall remain in full force and effect.

**SECTION C.** Should any sentence, paragraph, subdivision, clause, phrase, or Section of this Article be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances

of the City of Meridian, Mississippi, as a whole.

**SECTION D.** The preceding Smoke-Free Air Ordinance of the City of Meridian, Mississippi, shall become effective and enforceable thirty (30) days after adoption and publication.

**SO ORDAINED**, this the 19<sup>th</sup> day of January 2010.

Motion by Councilwoman Henson second by Councilwoman Perry.

Yea: Perry, Henson, Smith.

Nay: Thomas, Palmer.

Bobby R. Smith 01/20/2010  
BOBBY R. SMITH, PRESIDENT DATE  
CITY COUNCIL, MERIDIAN, MS

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF COUNCIL, ON THE 20<sup>th</sup> DAY OF JANUARY 2010.

Pamela McInnis  
CLERK OF COUNCIL

APPROVE (x) DATE 01/20/2010

VETO ( ) DATE \_\_\_\_\_

ATTEST:

L. E. Skipper BY: Bobby R. Smith, Acting Mayor  
CITY CLERK CHERI M. BARRY, MAYOR  
CITY OF MERIDIAN

(SEAL)