

City passes law to provide no-smoking sections

by Kellie M. Ellenburg
Most restaurants within the city limits are now required to provide no-smoking sections in eating establishments after the city council's decision Monday to restrict smoking.

In an unanimous vote, the council agreed that restaurant owners must set aside at least half their seating space for nonsmokers in those restaurants which have a seating capacity of 50 or more.

According to council members, the law will take effect immediately.

City leaders are echoing the recent lead of county officials in restricting smoking in eating establishments and will adopt the county's ordinance.

Originally the council wanted to adopt the county's ordinance with additional restrictions, including

the possibility of prohibition. However, city attorney Paul Glasgow said the city would have to draw up its own ordinance because it cannot legally amend the county's law, but would have to create its own.

Lisa Taylor, president of the Rockville Chamber of Commerce, said the chamber objects to prohibition in restaurants and would like council to scrap those plans.

"A restrictive smoking ordinance would serve no purpose but to have restaurateurs look elsewhere for the location of their business," she said during citizen's forum.

Taylor suggested the proposed ordinance be modified to permit businesses without the 50-seat capacity to post a sign at entry that states the establishment does not provide nonsmoking areas.

"Our reason for the request is

that certain establishments, because of their size, or because of their physical structures, are not able to provide separate ventilation for smoking or nonsmoking areas," she said. "Inability to provide separate air handling systems for the smoking section and nonsmoking section under the proposed ordinance will in effect put the restaurant in a position to cater to only nonsmoking patrons."

Although the council adopted the county's ordinance, councilman Steve Abrams requested the city's legal department prepare a new ordinance to be considered by the council at a later date. The new ordinance will lower the seating capacity threshold from 50 to 25 and to require owners with 25 seats or less to post a sign alerting patrons of the lack of nonsmoking sections.

Other pending considerations for a new ordinance may include definitive segregation of smoking from nonsmoking sections, installation of ventilation systems and possibly limiting smoking in all public facilities.

Under the new law, restaurant patrons are prohibited from smoking in the nonsmoking sections or in any restroom that is open to the public. Operators of establishments are required to refuse service to anyone smoking within nonsmoking sections.

Restaurant operators who re-

fuse to adhere to the law will receive a \$25 fine for an initial violation and a \$50 fine for a second offense. Restaurateurs who knowingly and repeatedly violate the new law can have their licenses suspended for up to three days.

Mayor Steven Van Grack suggested that the council consider the restriction of smoking in public buildings by requiring sectionalized areas. However, the consideration would have limited the council's ability to pass current legislation without holding another public hearing to encompass smoking restrictions in all public buildings.

"That certainly warrants a public hearing," Abrams said. "I wouldn't want to see it slow down this."

During citizen's forum prior to council's decision Sandra Levine requested that the council consider more prohibitive legislation separate from the county's ordinance.

"I don't think we can be reasonable about people's health. It is either an issue or a non-issue," she said. "I am not sure conformity [to the county's law] is the way to go."

However, Marcia Marks, of the American Lung Association, said that there are more than 1,000 tobacco related deaths every day and requested the city's law be consistent with the county's ordinance or promote prompt action.