

The Huntsville Times

Smoke ban unconstitutional, woman says

Madison council hears public's views on proposed law

By **WENDY REEVES**

Times Staff Writer

wendy.reeves@htimes.com

MADISON - Margaret Daly told the Madison City Council Monday night that if it approves an ordinance banning smoking in public places it will be a violation of the Constitution.

Daly, of Marion Drive, said the law would be a constitutional violation "because it's not necessary."

Daly claimed she conducted a poll of 78 restaurants in Madison and found that 69 already have a no-smoking policy. The other nine had a smoking section. She said, since the majority of restaurants already have a policy in place, it's not necessary for the city to pass an ordinance.

Daly was among residents

and non-residents who showed up for the meeting when the proposed Clean Air Ordinance was up for its first reading.

The council scheduled a public hearing on the ordinance for the Dec. 11 council meeting.

If approved by the council, the ordinance will require business owners to either outlaw smoking throughout their premises or allow smoking but

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Smoke

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not allow employees or customers under age 19 on the premises.

The proposed ordinance is similar to the ordinance passed by the Huntsville City Council in September 2005.

Mayor Sandy Kirkindall suggested the council consider changing the age to 17 because "if a 17-year-old can join the Army and can vote at 18, he or she can choose to work in an establishment that allows smoking."

Other residents still took the opportunity Monday night to speak about their right to smoke, their right not to breathe secondhand smoke and their right not to have their civil liberties violated.

Four members of the Partnership for a Drug Free Community's Youth Empowerment Program presented facts and figures to the council about the dangers of secondhand smoke.

Kareem Elsamadicy, a sophomore at Columbia High School, said the group has collected more than 700 signatures from residents who support the smoking ban. He said 16 people opposed it.

Nick Holland, a non-smoker of Madison, said he's opposed to the ordinance "because it imposes on my civil liberties and while I can't vote on it, I can vote at the ballot box in the next election."

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