

## CHAPTER 8 Nuisances, Public Smoking and Public Intoxication

### SECTION:

- 5-8-1: Public Nuisance Defined
- 5-8-2: Public Nuisance—Unequal Damage
- 5-8-3: Punishment for Public Nuisance
- 5-8-4: Smoking During Public Meetings
- 5-8-5: Signs to be Displayed
- 5-8-6: Penalty for Prohibited Smoking
- 5-8-7: Public Intoxication

5-8-1: **PUBLIC NUISANCE DEFINED.** Anything which is injurious to health, or is indecent, or offensive to the senses, or obstructs the free use of property, interferes with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any substantial number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, stream, canal or basin, or any public park, square, street, or highway, is a public nuisance.

5-8-2: **PUBLIC NUISANCE—UNEQUAL DAMAGE.** An act which affects an entire community or neighborhood, or any substantial number of persons, as specified in the preceding section, is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

5-8-3: **PUNISHMENT FOR PUBLIC NUISANCE.** Every person who maintains or commits any public nuisance, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

5-8-4: **SMOKING DURING PUBLIC MEETINGS.** For the purpose of this act, any meeting or hearing of any board, commission, council, department or agency of state, county, city or local governmental agency, held within a building owned, rented, or being used by a governmental agency, to which the public is invited, solicited, or legally entitled to attend is defined as a public meeting. Cigarette, cigar, and pipe smoking are prohibited whenever public

meetings are in progress in any room in which signs are displayed in accordance with the following section.

5-8-5:           **SIGNS TO BE DISPLAYED.** Readily visible no smoking signs shall be displayed in the room where any public meeting is held, but smoking shall be permitted outside the meeting room.

5-8-6:           **PENALTY FOR PROHIBITED SMOKING.** Any person who violates any provision of this chapter is punishable by a fine of not less than five dollars (\$5) nor more than ten dollars (\$10).

5-8-7:           **PUBLIC INTOXICATION.** Any person who is intoxicated in or upon any public street, alley, park, or other public place is guilty of a misdemeanor.