

Mr. Mayor and Assembly,

I feel like I must again remind you that the current ordinance in effect protects the health of those children 18 and under. Those before you have done their duty to protect individuals who otherwise are not old enough to make their own decisions (sorry to lump you 18 year olds in with those still in diapers).

Smokers, also known as your neighbors and friends, should not be turned into second-class citizens for using a legal product; especially when the free market offers both smoking and non-smoking environments for employees and customers to choose from. As I and many others see it, there is absolutely nothing wrong with keeping a place available for smokers to assemble when there are so many other places that are smoke free. Smoking bans restrict consumer choice and infringe upon property rights. The community is better served when businesses, employees, and consumers are allowed to self-regulate and reach accommodations among themselves, rather than punishing some by legislative force.

For you to vote in favor of this amendment suggests that you believe that your non-smoking friends don't have enough intelligence to stay out of bars that allow smoking. Don't you think that I and others over eighteen years of age have enough common sense to stay away from second hand smoke? Why do you feel that you must protect me and why do you believe that it is more important to do so than to protect the property rights of another neighbor? Without a doubt, I and all the others concerned, don't need you to protect our health; but we truly need you to protect the property rights of bar and lodge owners and further, the property rights of citizens of Sitka.

A young woman testified last week that she "wanted" the bars to be smoke free so that she could go there and have a drink without inhaling second hand smoke. I heard a band member complain that his wife had to leave a bar because she became hoarse after a few hours.

I honestly cannot understand the attitude of a person who thinks that their "wants" supersede the property rights of another citizen. It's almost like these people, who purposefully enter a smoking establishment, are all of a

sudden now "victims". In all my years I have never seen anyone forcefully dragged or pushed into a bar (although I have seen a few forcefully dragged out for one reason or another).

If you are voting in favor of the amendment because a friend or a musical group asked you to on the premise that they want bars to be smoke free so that they can go there and have a drink, dance or listen to music without inhaling second hand smoke, you should be embarrassed. Is their/your desire for a bar or lodge to be smoke free enough to justify the use of police powers to enforce smoking bans on private property? I would certainly expect not. If a person knowingly and willingly went to a smoke-filled bar, then they believed the benefits of the environment were greater than the costs of breathing in and smelling like smoke.

I have heard several times that a personal freedom ends when the health of another person is negatively affected (or some such trivia). Any person using this reason to support the amendment to discontinue smoking in bars and lodges is disingenuous and using it as a smoke screen. Again, not one person is forced to enter these buildings.

I must return to the point I made earlier—nobody has to be around smoke. People don't have to go to a bar or restaurant. They should either learn how to cook or mix drinks themselves or they should open up their own business!

Consider this. I have hay fever just like 30% of the population. When I visit the "farm" at the old mill site I usually end up leaving there with red eyes, sneezing and nasal congestion. Would I ever consider asking the assembly to pass an ordinance to protect me? No, never.

It would be more agreeable to many of us if you just encouraged these few remaining businesses that allow smoking on the premises to go smoke free. I would encourage you to support tax credits and other financial incentives for businesses to enact non-smoking policies instead of trampling on their all important property rights.

If you intend on voting in favor of this amendment and it passes, and if you are truthfully and honestly concerned about public health, I would then expect you to write an ordinance banning the sale of alcohol in Sitka, lest

you be a hypocrite. There is no need for me to mention all the problems in our society caused solely from the drinking of booze.

Consider this. The minimum reasonable distance of 10 feet would instantly put sidewalk smokers into the street. The way the ordinance reads, every business in the community will have a smoke free zone which extends ten feet (10') from "entrances, windows and ventilation systems of all work sites of public places where smoking is prohibited by this chapter". Since there are so many businesses that are side-by-side downtown on Lincoln Street and that the sidewalks are not ten feet wide, all smokers would need to walk down the street in order to have a cigarette. I can envision them as they weave in and out of the restricted zones.

And not only that, every "owner, manager, operator or employee" of any business must police their own smoke free zones. If a person mistakenly smokes closer than ten feet from the entrance, window or vent of a business, the owner is REQUIRED to address the issue or face a fine and perhaps the loss of his permit/license to operate. Are there any other ordinances written that includes this draconian mandate? The complexity of this section, 9.20.055 Violations and Penalties, warrants that the whole amendment gets thrown out.

It is understandable that one can get caught up in the political correctness of the anti-smoking movement. Some people can never overcome peer pressure. I encourage you to not let the emotion of the day influence you to vote in favor of the amendment. I ask that you support the ever important property rights of individuals, as that is your duty. Don't take rights from some to benefit others especially when it is not necessary.

Regards,
George Eliason