



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

## **BILL NO. 050165 (As Amended, 3/10/05)**

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**Introduced February 24, 2005**

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**Councilmembers Mariano, Blackwell, Kelly and Clarke**

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**Referred to the  
Committee of the Whole**

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### **AN ORDINANCE**

Providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Philadelphia Home Rule Charter creating a new Chapter 5 entitled "Referenda Approved By The Voters" in Article VIII, Provisions of General Application, and creating a new Section 8-500 entitled "Smoking in Public Places and in the Workplace" calling on the Council of the City of Philadelphia to pass no legislation that will prohibit smoking in public places and in the workplace; fixing the date of a special election for such purpose; prescribing the form of ballot questions to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

#### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. There shall be submitted for the approval or disapproval of the qualified electors of the City of Philadelphia at the election to be held May 17, 2005, an amendment to the Philadelphia Home Rule Charter creating a new Chapter 5 entitled "Referenda Approved By The Voters" in Article VIII, Provisions of General Application, and creating a new Section 8-500 entitled "Smoking in Public Places and in the Workplace" calling on the Council of the City of Philadelphia to pass no legislation that will prohibit smoking in public places and in the workplace. The proposed amendment is contained in Resolution No. 050176, on file in the Office of the Clerk of Council.

SECTION 2. There shall be placed on the ballot the following question to be answered "Yes" or "No" by the qualified electors participating in the election:

Shall the Philadelphia Home Rule Charter be amended to call upon the Council of the City of Philadelphia in considering any proposed legislation

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presented to the Council, to be cognizant of the desire of the citizenry that council enact no law that takes away the liberty of the individuals of Philadelphia by prohibiting smoking in public places and in the workplace?

SECTION 3. The Clerk of Council is hereby directed to have printed in pamphlet form, in sufficient number for general distribution, the proposed amendment to the Philadelphia Home Rule Charter as set forth in Resolution No. 050176, together with the ballot question set forth in Section 2 of this Ordinance.

SECTION 4. The Clerk of Council is hereby directed to cause to be published in three (3) newspapers of general circulation in the City and in the Legal Intelligencer the proposed amendment to the Philadelphia Home Rule Charter, together with the ballot question set forth in Section 2 of this Ordinance, once a week during the three (3) weeks preceding the election on May 17, 2005; and further, at such other time and in such other manner as she may consider desirable.

SECTION 5. The Mayor is hereby authorized and directed to issue a proclamation giving at least thirty (30) days' notice of such election. The Clerk of Council shall cause a copy of the proclamation to be published, together with the notice provided for in Section 4 of this Ordinance.

SECTION 6. The appropriate officers are authorized and directed to take such action as may be required for the holding of an election on the ballot question set forth in Section 2 of this Ordinance as provided for by the laws of the Commonwealth of Pennsylvania.

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