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In-Depth Smoking Ban Story
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Non-smokers in the south hills look forward to a breath of fresh air, while smokers and local business owners feel they are being denied a freedom of choice as the county-wide public smoking-ban draws closer.

Local citizens readily offered their opinions this past weekend at Bobby's Lounge on Route 51, and a few minutes away at the Melrose on Brownsville road.

Differing views even drew a line through marital bonds. Tracey Zimmer, 42, a non-smoker sat at the bar in Bobby's next to her husband, who had just lit up a cigarette. She doesn't think the ban goes far enough.

"If they [government officials] are passing this for our health, there shouldn't be exceptions to the rule," the mother of two said.

Her husband, Kevin Zimmer, on the other hand thinks the fact that the ban includes exceptions proves his point that there should be no ban.

"All these exemptions for businesses that make so much in food sales, and only have so many employees just shows what a bad idea it is in the first place. It should be left up to the businesses to decide whether they allow smoking or not." The 42-year-old window installer said.

The couple's disagreements aren't so far off from the same ones law-makers have been having. The Allegheny county smoking-ban, set to take effect on Jan. 2, has been unable to escape controversy ever since the County Council voted 14-1 to pass the ordinance in late September.

In fact, the controversy began before the Council voted, and only continued after the ban's passing. On that same day, the state senate passed an amendment to the state slots bill that allowed for smoking in casinos throughout the state.

County Chief Executive Dan Onorato threatened to veto the county ban on the grounds that the slots bill amendment would give casinos in Allegheny County an unfair advantage over nearby businesses.

Mark Blohm, owner of Bobby's bar, has similar concerns for his business. "Of course I'm concerned for my business. If smokers aren't allowed to smoke here, but are allowed to somewhere else, they'll take their business elsewhere," he said.

Onorato proposed some changes of his own in mid-October. He suggested that businesses that can prove that only 30 percent or less of their sales come from food, the rest from alcoholic beverages, should be exempt from the ban. He also proposed the elimination of the rule that prohibits smokers from lighting up within 15 feet of a smoke-free building.

After more debating and voting, County Council compromised with Onorato's proposed changes.

As it stands now, businesses in-which food accounts for 10 percent of sales or less can apply for exemptions from the ban. The exemption is only good for businesses with 10 or fewer employees. The 15-foot rule has been reduced to five. Yet residents continue to disagree.

Mike Hirsh, 25, a patron of the Melrose bar questions the practicality of some of the proposed rules. "If I had to step 15 feet outside to smoke this cigarette, I'd be in the street," he said.

At the other end of the bar, University of Pittsburgh student Gina Burke, 23, disagreed. "What's the point of having people go outside to smoke, if non-smokers will have to step through a crowd of people smoking to get in the door anyway?" said Burke, a non-smoker.

The 10-percent food sale and fewer than 10 employees, or 10 and 10 rule as it has been referred to as, raises more questions about fairness. A bartender at Bobby's, Tom Abbott, 38, thinks it hurts his bosses business even further.

"He [the owner] is damned if he does, damned if he don't," Abbott said. "We can either stop selling food and lose money that way, or stop allowing smokers, and lose money that way."

Many advocacy groups for the ban point to the rights of employees not to be subjected the harmful smoke while trying to make a living. Abbott thinks its part of the business. He says his co-workers aren't complaining.

"If the customer wants to smoke, they can go ahead, as long as the tips good," he said.

Jen Zandier, 25, a bartender at the Melrose, would welcome the ban. "I can't imagine this place without all the smoke in the air. I'd be able to breathe. It'd be great," she said.

An already hot issue reignited again in early December when two Pittsburgh bar owners joined forces to sue the county and Onorato, calling for an injunction to stop the ordinance before it takes effect next month.

James G. Mitchell, owner of Mitchell's Bar and Restaurant, and John Petrolias, owner of the Smithfield Café, claim the ban will cause substantial harm to their businesses.

As a business owner himself, Blohm fully supports the actions of Mitchell and Petrolias. "I'm glad someone is taking a stand," he said.

"I think their concerns are legitimate. A lot of businesses are going to take a hit. My business will take a hit." He admits he'll be watching the suit with interest.

Others aren't so interested. "I think they are just delaying the inevitable. A smoking-ban is going to happen. It's just a matter of time," said Laura Harsh, a 37-year-old non-smoker in Bobby's.

Due to the impending inaction of the ordinance next month, a preliminary hearing for the suit filed by Mitchell and Petrolias has been set for Monday. Officials at the R.J. Reynolds tobacco company in Winston-Salem, N.C. have said they will pay the legal fees for the business owners' suit.