

**AN ORDINANCE TO REGULATE SMOKING AND USE OF  
SMOKELESS TOBACCO WITHIN MUNICIPAL PARKS AND  
FACILITIES WITHIN THE CITY OF HUEYTOWN, ALABAMA AND TO  
PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.**

**WHEREAS**, the United States Surgeon General has long warned that smoking tobacco or any other weed or plant is hazardous to one's health; and

**WHEREAS**, numerous scientific studies have found that tobacco products are a major contributor to numerous health problems including, but not limited to cancer, heart attack, respiratory disease and other diseases that are all leading causes of death in this Country; and

**WHEREAS**, numerous United States Surgeon Generals have found that nicotine and tobacco products are as addictive as illegal and other addictive drugs; and,

**WHEREAS**, the introduction of tobacco products in facilities utilized by children is of a special concern by the City of Hueytown in that it may tend to influence and/or subject minor children who are more susceptible to diseases and the effects of cigarette smoking and tobacco use.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF HUEYTOWN, ALABAMA**, at a regular meeting, a quorum being present, as follows:

**I. PURPOSE:** In order to better serve public health, safety and welfare, the purpose of this ordinance is to prohibit smoking or use of tobacco products or any weed or plant within or around municipal facilities owned by the City of Hueytown; particularly those that are occupied by children.

**II. DEFINITIONS:** For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. **"City"**: The City of Hueytown, Alabama, and its City limits as may be from time-to-time expanded.

B. **"Person"**: Any person, firm, partnership, association, corporation, company, or organization of any kind.

C. **"Smoke or Smoking"**: The act of burning, inhaling, exhaling, or carrying any lighted tobacco product, weed, filler, or plant or any kind of cigarette, cigar, or pipe, or any other kind of device and shall include carrying or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment; or the lighting, emitting, or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

D. **"Tobacco Products"**: Tobacco products shall include all forms of tobacco products including dip, snuff, chewing tobacco and any product made of tobacco in whole or part.

**III. ENFORCEMENT:** The provisions of this ordinance are enforceable by any duly authorized municipal code enforcement officer, police officer, or fire department official, or as otherwise directed by the Mayor or City Council.

**IV. VIOLATION; PENALTY:** Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided for in Section 1-6 of the Code of Ordinances for the

**TOBACCO USE/MUNICIPAL PARKS AND FACILITIES**

City of Hueytown, Alabama, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**V. NO-SMOKING DESIGNATION:** No person shall be permitted to smoke nor shall smoking or use of tobacco products be permitted in any of the following areas:

A. In any area of a municipal building, facility, park, walking track, or other municipal facility that is surrounded by a gate or is an area within one hundred (100) feet of a concession stand, bleacher, seating area, playing field, tennis court, or other areas designated as a recreational area including, but not limited, soccer fields, football fields, walking tracks, running tracks, playground area, or other area where minor children may be participating in or otherwise present for sporting or other related park activities.

B. The director of all City facilities or the person charged therewith including those persons in charge of all parks and other municipal facilities may select and designate certain areas within or around said facilities wherein smoking may be permitted. Such areas shall be designated with appropriate signs.

**VI. NUISANCE:** Any violation of this ordinance is hereby declared to be nuisance. In addition to any other relief provided by this ordinance, the City may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, a temporary injunction and a permanent injunction.

**VII. MISCELLANEOUS:**

A. Construction with Other Laws: Nothing in this ordinance excuses noncompliance with any State, Federal, or Local law or any rule or regulation which prohibit smoking. In particular, this ordinance is meant to supplement and not replace Ordinance Number 97-0722-1 adopted August 12, 1997.

B. Validity or Constitutionality: If any portion of this ordinance shall be held unconstitutional, invalid, or unenforceable, such holding shall not affect the remaining portions or render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.


**VII. ORDINANCE REPEALED:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**IX. EFFECTIVE DATE:** This ordinance shall become effective immediately upon passage and approval by the City Council and Mayor of the City of Hueytown, Alabama, or its otherwise becoming a law.

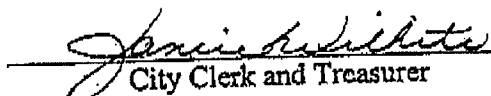
ADOPTED this 22nd day of February, 2005.

  
President of City Council

APPROVED this 22nd day of February, 2005.

  
Mayor

ATTEST:

  
City Clerk and Treasurer

TOBACCO USE/MUNICIPAL PARKS AND FACILITIES

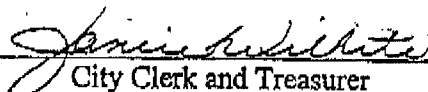
## CERTIFICATION

I, Janice Wilhite, City Clerk for the City of Hueytown, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of Hueytown, Alabama at its regular meeting held on the 22nd day of February, 2005, as same appears in the minutes of records of said meeting and was thereby published by posting of same in each of the following public places, all of which are located within the corporate limits of the City of Hueytown, Alabama:

- (1) Hueytown City Hall
- (3) Food Giant Grocery

- (2) Highlander Food Center
- (4) Hueytown Post Office

Signed this 22nd day of February, 2005.

  
City Clerk and Treasurer

**TOBACCO USE/MUNICIPAL PARKS AND FACILITIES**

ORDINANCE NO. 97-0722-1

**AN ORDINANCE TO REGULATE SMOKING WITHIN MUNICIPAL BUILDINGS WITHIN THE CITY OF HUEYTOWN, ALABAMA AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

**WHEREAS**, the United States Surgeon General has long warned smokers that smoking tobacco, or any other weed or plant is hazardous to their health; and

**WHEREAS**, numerous scientific studies have found that tobacco smoke is a major contributor to indoor air pollution; and

**WHEREAS**, tobacco smoking is a leading cause of fires, plus cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to the City; and

**WHEREAS**, numerous United States Surgeons General have found that nicotine in tobacco products is as addictive as cocaine and heroin.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hueytown, Alabama, at a regular meeting, a quorum being present, as follows:

Section 1. **PURPOSE.**

In order to better serve public health, safety and welfare, the declared purpose of this ordinance is to prohibit the smoking of tobacco, or any weed or plant within municipal buildings in the City.

Section 2. **DEFINITIONS.**

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City": The City of Hueytown, Alabama.
- (2) "Person": Any person, firm, partnership, association, corporation, company or organization of any kind.
- (3) "Smoke or Smoking": The act of burning, inhaling, exhaling or carrying any lighted tobacco product, weed, filler or plant of any kind in a cigarette, cigar or pipe or in any other device and shall include carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment; or the lighting, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

**Section 3.     *ENFORCEMENT.***

The provisions of this ordinance are enforceable by any duly authorized municipal code enforcement officer, police officer or fire department official, or as otherwise directed by the Mayor or City Council.

**Section 4.     *VIOLATION; PENALTY.***

Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided for in Section 1-6 of the Code of Ordinances for the City of Hueytown, Alabama, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 5.     *NO-SMOKING DESIGNATION.***

(1) No person shall be permitted to smoke nor shall smoking be permitted in any of the following areas:

(a) In any building currently being utilized by or for the City.

(b) In all buildings owned, leased or under the control of the City.

**Section 6.     *NUISANCE.***

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, a temporary injunction and permanent injunction.

**Section 7.     *MISCELLANEOUS.***

(a) *Construction with Other Laws.* Nothing in this ordinance excuses noncompliance with any state, federal or local law or any rule or regulation which prohibits smoking.

(b) *Validity or Constitutionality.* If any portion of this ordinance shall be held unconstitutional, invalid, or unenforceable, such holdings shall not affect the remaining portions nor render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.

**Section 8.     *ORDINANCES REPEALED.***

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**NO SMOKING WITHIN MUNICIPAL BUILDINGS**

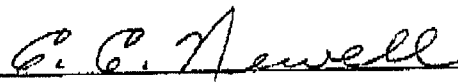
Section 9. **EFFECTIVE DATE.**

That this ordinance shall become effective immediately upon its passage and approval by the City Council and Mayor of the City of Hueytown, Alabama, or its otherwise becoming a law.

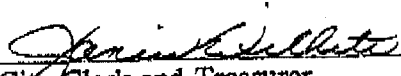
ADOPTED this the 12th day of August, 1997.

  
\_\_\_\_\_  
President of the City Council

APPROVED this the 12th day of August, 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk and Treasurer

**CERTIFICATION**

I, Janice Wilhite, City Clerk of the City of Hueytown, Alabama, hereby certify the above to be a true and correct copy of Ordinance No. 97-0722-1 adopted by the City Council of the City of Hueytown, Alabama, at its regular meeting held on July \_\_, 1997, as same appears in the minutes of record of said meeting, and was thereby published by posting of same in each of the following public places, all of which are located within the corporate limits of the City of Hueytown, Alabama:

1. Hueytown City Hall
2. Highlander Food Center;
3. Food Giant Grocery;
4. Hueytown Post Office.

Signed this 12th day of August, 1997.

  
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City Clerk and Treasurer

NO SMOKING WITHIN MUNICIPAL BUILDINGS