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1994

AN ORDINANCE TO AMEND ORDINANCE 41-044, ADOPTED JUNE 26, 1990, CODIFIED AS CHAPTER 1, ARTICLE II, DIVISION 2, OF THE CITY CODE (1991) IN ORDER TO PROVIDE FOR THE INCLUSION OF SMOKING ORDINANCE VIOLATIONS INTO THE SCHEDULE OF FINES AND ALLOW FOR FURTHER ENVIRONMENTAL COURT PROSECUTION.

SPONSORED BY: MAYOR MICHAEL C. DOW

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Chapter 1, Article II, Division 2 of the 1991 City Code of the City of Mobile, Alabama, as amended, which is the codification of Ordinance Number 41-044, adopted June 26, 1990, (the "Municipal Offense Ticket/Environmental Court Ordinance") shall be, and hereby is, further amended to authorize the issuance of citations for violations of the City's Smoking Regulation Ordinance No. 27-040, pursuant to the authority of City Code, Section 1-31 et seq., (1991, as amended) and to establish a fine to be listed on the City's Schedule of Fines for violations of the Smoking Regulation Ordinance, as set out herein:

I. AMENDMENT OF ORDINANCE NO. 41-044 OF 6/26/90.

Section One. Municipal Offense Ticket, is amended to add:

(2) Ordinances:

<u>Number</u>	<u>Ordinance Name</u>
27-037	Smoking Regulation

Section Two. Schedule of Fines, is amended to add:

(2) Ordinances:

<u>Number</u>	<u>Ordinance Name</u>	<u>Fine</u>	<u>Court Cost</u>	<u>Total</u>
27-037	Smoking Regulation	\$70.00	\$54.00	\$124.00

II. PENALTY.

Any person receiving a second Municipal Offense Ticket for a violation of a municipal law or laws, and anyone failing to appear in Municipal Court, or otherwise settle the matter prior to the date stated on the Municipal Offense Ticket, pursuant to the provisions of this ordinance, shall be

punished by a fine of not more than Five Hundred (\$500) Dollars, or by imprisonment in the jail or community service for a period not exceeding six (6) months, or by both such fine and imprisonment and/or community service at the discretion of the Judge, unless otherwise prohibited by State law.

**III. REPEAL OF CONFLICTING CODE SECTIONS AND ORDINANCES.**

All City Code Sections and Ordinances or parts of City Code Sections and Ordinances in conflict with the provisions of this Ordinance, insofar as they conflict, are hereby repealed.

**IV. SEVERABILITY.**

If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each article, section, sentence, clause, or phrase thereof irrespective of the fact that one or more articles, sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**V. EFFECT OF ORDINANCE.**

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This Ordinance applies to property within the city limits and police jurisdiction of the City of Mobile and shall be in full force and effect therein.

Adopted: JUN 21 1994

  
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CITY CLERK