

STATE OF ALABAMA)
 ST. CLAIR COUNTY)
 CITY OF MOODY)

ORDINANCE NO. M99-02-22

AN ORDINANCE OF THE CITY OF MOODY, ALABAMA PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC BUILDINGS OF THE CITY

Section 1-1. Findings.

The City Council of the City of Moody, Alabama, does hereby find that:

- (a) Numerous scientific studies have found that tobacco smoke is a mor contributor to indoor air pollution;
- (b) **Reliable scientific studies, including studies by the Surgeon General of the United States and studies commissioned and assessed by the U.S. Environmental Protection Agency, have shown that breathing side stream or secondhand smoke is a significant health hazard to non-smokers; particularly to children, older persons, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;**
- (c) **Health hazards induced by exposure to environmental tobacco smoke include lung and other forms of cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, broncho-constriction and broncho-spasm, and that the most common cause of premature death from environmental tobacco smoke is heart disease;**
- (d) **Reliable scientific studies assessed by the U.S. Environmental Protection Agency have found that side stream and secondhand tobacco smoke can cause premature death and disability among non-smokers;**
- (e) **Air pollution caused by smoking is an offensive annoyance and irritant. Smoking can result in serious and significant physical discomfort of non-smokers in public places; and**
- (f) **Other tobacco uses can be offensive, annoying and irritating including chewing tobacco and the use of snuff and other similar tobacco products. Use of tobacco products can result in the discomfort and annoyance of non-tobacco users in public places; and**
- (g) **the Council of the City of Moody, Alabama finds that it is within its basic police powers to implement and enforce the provisions of this Ordinance.**

Section 1-2. Use Prohibited.

(a) Except as otherwise provided, the use of tobacco products of any kind including but not limited to smoking, chewing tobacco, and the use of snuff and other similar products, is prohibited and unlawful in the following places:

- (1) Moody City Hall.
- (2) Moody Library.
- (3) Moody Fire Station.
- (4) Any other public building owned, operated, leased or under the control of the City of Moody, Alabama.

Section 1-3. Violations and Penalties.

(a) Violation of any provision of this Ordinance is a misdemeanor offense punishable by a fine of not less than Twenty-five and no/100 Dollars (\$25.00) and not more than Five Hundred and no/100 Dollars (\$500.00). Each day the violation shall continue shall constitute a separate offense.

(b) It shall be unlawful for any person to smoke or use tobacco products in any area where smoking or such use is prohibited under this Ordinance and any persons who violates any provision of this Ordinance shall be punished as provided in Section 1-3(a) hereof.

Section 1-4. Severability.

If any section or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that section or portion shall be deemed severable and shall not affect the validity of the remaining portions of this Ordinance.

APPROVED AND ADOPTED this 8th day of March, 1999.

CITY OF MOODY, ALABAMA

By: William L. Morris
William L. Morris, Mayor

ATTEST:

Billy W. Fox
Billy W. Fox, City Clerk