

ADOPTION: May 6, 2002

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## ORDINANCE NO. 932

AN ORDINANCE PROHIBITING SMOKING ALL TOBACCO PRODUCTS IN ALL MUNICIPAL BUILDINGS AND OTHER PROPERTIES OWNED, LEASED AND/OR OPERATED BY THE CITY OF TARRANT, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA, AS FOLLOWS:

**Section 1. DEFINITIONS:** As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

A. **Building.** Any structure having a roof supported by columns or walls, designed or built for the support, enclosure, shelter, use and protection of persons, chattels or property.

B. **City.** The City of Tarrant, Alabama.

C. **City Council.** The City Council of the City of Tarrant, Alabama.

D. **Enclosed.** Closed in by roof and four walls with appropriate openings for ingress and egress.

E. **Person.** Any individual, person, firm, partnership, association, corporation, company, organization or legal entity of any kind.

F. **Semi-Enclosed Area.** Any facility and/or other property operated by the city and/or the Tarrant Park and Recreation Board for the purposes of public parks and/or recreations, specifically including but not limited to, bleachers, grandstands, concession area, dugouts, batting cages and restrooms.

G. **Smoking or To Smoke.** The act of smoking or caring a light or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind, or inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant, or the combustion of any cigar, cigarette, pipe or any similar article of tobacco or other combustible substance.

**Section 2. SMOKING PROHIBITED:** Effective April 15, 2002 it shall be unlawful for any person to smoke or carry lighted tobacco in any form, within the following facilities and property used by the City of Tarrant, Alabama, for providing municipal services:



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- A. Any and all buildings; and
- B. Enclosed areas; and
- C. Semi-enclosed areas (but excluding covered porches, canopies and portecocheres and parking lots); and
- D. Restrooms; and
- E. Bleachers; and
- F. Grandstands; and
- G. Concession stands; and
- H. Dugouts; and
- I. Batting cages.

**SECTION 3. POSTING OF SIGNS:** The Mayor is hereby authorized and directed to cause appropriate signs prohibiting smoking and the use of tobacco to be erected in all buildings and semi-enclosed areas covered under Section 2 of this Ordinance.

**SECTION 4. VIOLATION AND PUNISHMENT:** Any person who violates the provisions of Section 2 of this Ordinance shall be required immediately to stop smoking and extinguish lighted tobacco or leave the building and/or enclosed or semi-enclosed facility until such person stops smoking and the use of tobacco ceases. Failure to comply with this requirement subjects the violator to prosecution. Upon conviction thereof, any person, firm, corporation or other entity shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).


**SECTION 5. SEVERABILITY CLAUSE:** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not be construed to invalidate or impair the remainder of this ordinance which shall continue in full force and effect notwithstanding such holding.

**SECTION 6. EFFECTIVE DATE:** This ordinance shall become effective on April 15, 2002, upon approval and adoption and its publication and/or posting as required by Alabama law.

**DONE, ORDERED, APPROVED AND ADOPTED** on this the 8<sup>th</sup> day of April, 2002.

APPROVED: 

Mayor

ATTEST: 

City Clerk