

ORDINANCE #06-01-03-1

TOWN OF TAYLOR ENVIRONMENTAL TOBACCO SMOKE ORDINANCE FOR MUNICIPAL BUILDINGS AND ALL MUNICIPAL PUBLIC RECREATIONAL FACILITIES AND MUNICIPAL VEHICLES

WHEREAS, environmental tobacco is a leading public health problem in the Town of Taylor and through out the United States, and

WHEREAS, there exists conclusive evidence that environmental tobacco smoke causes cancer, cardiovascular disease, respiratory disease, negative birth outcome, allergies and irritation of the eyes, ears, nose and throat of both smokers and non-smokers, and

WHEREAS, environmental tobacco smoke, which includes both exhaled and side stream smoke from burning cigarettes, causes the death of numerous Americans each year, and

WHEREAS, the harmful effects of environmental tobacco smoke are not confined to smokers but also cause severe discomfort and illness to non-smoker, and

WHEREAS, both the Public Health Services National Toxicology Program and the World Health Organization's International Agency for Research on Cancer Identify environmental tobacco smoke as a human Class A carcinogen and state that there is no safe level of exposure, and

WHEREAS, there are laws and regulations in place that protect workers from other environmental hazards, including Class A carcinogens such as asbestos, arsenic and benzene, but none which regulate exposure to environmental tobacco smoke and

WHEREAS, the United States Surgeon General, the American Cancer Society, the American Lung Association and the Alabama Department of Public Health have concluded that involuntary smoking is a cause of disease, including lung cancer in non-smokers,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TAYLOR, ALABAMA, that the Town Council recognizes the rights of those who want to breath smoke-free air and established this regulation to protect and improve the public health and welfare of the Citizens of the Town of Taylor, Alabama.

DEFINITIONS:

Enclosed Structures – Any enclosed structure such as Town Hall, Police Facility, Senior Citizens Center, Water Maintenance Building enclosed Recreation facility and any enclosed

Police Vehicles, Water Maintenance Vehicles, Senior Citizens Van and any other Municipal owned facilities or moving vehicles.

Public Outdoor Facility – Any public park or park allowing public access, any baseball field, football field, play ground, walking trail or any other outdoor property owned by the Town of Taylor used for recreation purposed and/or with public access, and any public access recreation area otherwise owned or operated as an outdoor facility.

Smoking shall mean inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any form or manner.

Smoking or Tobacco use, possession or discarding – The carrying of any lighted or unlighted tobacco, use or possession of any tobacco product, inhaling or exhaling of tobacco smoke or like substances; the use or possession of chewing tobacco, snuff or similar tobacco products that discarding of tobacco or tobacco products as defined.

SECTION 1. PROHIBITED ACTS.

- A. It shall be unlawful for any person to smoke or use any tobacco products in an enclosed structure as defined in this ordinance. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.
- B. No person shall smoke or use any tobacco products within fifteen (15) feet of any enclosed structure entry way, open window or ventilation systems, and outdoor designated smoking areas must be more than fifteen (15) feet from any enclosed structure as cited above, or public access areas such as a sidewalk or seating area. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.
- C. No person may smoke, possess or use tobacco products at a public outdoor facility unless there is a designated smoking area clearly marked by signs posted with contrasting letters at least one inch or higher. No designated smoking area may be within fifteen (15) feet of an enclosed structure, open window, ventilation system intake, or public access area such as a sidewalk or seating area. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.
- D. Any person who possesses or uses tobacco products on property owned by the Houston County School Board is guilty of a misdemeanor. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.
- E. Any person who subjects another person, who is not smoking, to environmental tobacco smoke in violation of this ordinance is guilty of a misdemeanor. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.

- F. Any person, who discards, drops or throws away, any lighted, used or non-used cigarette, cigar, pipe ashes, or other tobacco product including chewing tobacco and/or snuffs whether mixed with saliva or not, that is not discarded into a designated receptacle for this purpose, but discards it upon any public sidewalk, street, or town property, or upon property not their own, is guilty of a misdemeanor. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.

SECTION 2. APPLICABLE.

This Ordinance shall apply within the Town Limits of the Town of Taylor, Alabama and its police jurisdiction.

SECTION 3. VIOLATIONS.

Court Costs are not to be taxed for summons issued for violations of this ordinance upon the first offense. Upon the second offense, any person found guilty of violation of any provision of this ordinance shall be punished by a fine of not less than \$25.00 nor more than \$500.00 and all court costs shall be taxed to the violator if convicted or by imprisonment in the jail or at hard labor for a period not exceeding ninety days or by both such fine and imprisonment at the discretion of the judge. Persons under the age of eighteen (18) years shall be referred to juvenile court.

SECTION 4. ENFORCEMENT.

- A. The general authority to enforce this ordinance shall be held by the Town of Taylor, through any of its subsidiary departments or designees.
- B. Any citizen who desires to register a complaint under this ordinance may initiate enforcement with the Taylor Police Department.

SECTION 5. SEVERABILITY.

If any provision, clause, sentence or paragraph or word of this ordinance or the application thereof to any person, entity or circumstances shall be held invalid or unconstitutional, such invalidity shall not affect the other provisions thereof.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective five (5) days after it is first posted as required by law.

ADOPTED and APPROVED this the 3 day of January, 2006.

TOWN OF TAYLOR, ALABAMA
BY: 

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

Council member Dana White moved the said ordinance be adopted,
which motion was seconded by Council member Larry Whitman and upon
said motion being put to vote, the following vote was recorded:

Ayes: 5 Nays: 0

The Mayor thereupon announced that said motion had been approved.

CERTIFICATION:

I, Barbara F. Benton, as Town Clerk of the Town of Taylor, Alabama hereby certify that the
foregoing Ordinance 2146 12-05 was posted in three public places to-wit:
Town Hall, Taylor Senior Center, Taylor Grocery
Within the Town beginning the 1st day of January, 2006.

Town Clerk