

Ordinance 92-103

Revised Smoking Ordinance

Whereas, the Town Council of Cottonwood finds that environmental tobacco smoke is a contributor to indoor air pollution and tobacco use presents a substantial health risk, the following ordinance (revision of 92-103) is enacted

Definitions:

Enclosed structure – Any enclosed structure such as a business, residence used as a business or daycare, government offices, theatre, store, Town Hall, Town owned buildings, elevators, Senior Citizens Center, school, daycare, restaurant, cafeteria, convenience store, shops, factory, gas station, repair facility or garage, bar, gymnasium, public or private school building, enclosed recreation facility, public or business restroom or bathroom, business office, medical facility, Town Community Room, church, public transportation facility including public and school buses, taxis or cabs; fire, EMS or police vehicles when occupied by a non-smoker or non-employee passenger, and taverns. Enclosed or semi-enclosed garages with flow through ventilation where vehicles are parked and such areas are not normally occupied by the public are exempt as being classified an enclosed structure. A private residence not being used as a business or a private residence not being used as a daycare is not subject to this ordinance. A private vehicle operated by a person 19 years of age or older is not considered an enclosed structure unless specifically designated by this ordinance as such.

Outdoor facility – Any public park or park allowing public access, any football field, any outdoor property owned by the Town of Cottonwood with public access, any property owned by the Houston County School Board, any baseball field sports field or outdoor recreation area allowing public access and any public access recreation area otherwise owned or operated.

Smoking or tobacco use, possession or discarding – The carrying of any lighted tobacco, use of any tobacco product, inhaling or exhaling of tobacco smoke, or like substances; the use of chewing tobacco, snuff or similar tobacco products. The discarding of tobacco or tobacco products as defined in section 9.

Prohibited Acts

1. It shall be unlawful for any person to smoke or use any tobacco product 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.
2. No person under the age of 19 may smoke or use tobacco products, or possess or constructively possess, any tobacco products including within

- a vehicle operated by them or upon their person, within the Town Limits of Cottonwood or its police jurisdiction. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.
3. No person may smoke or use tobacco products at an outdoor facility unless there is a designated smoking area clearly marked by signs posted with letters at least one inch or higher. No designated smoking area may be within 15 feet of an enclosed structure 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.
 4. Any owner or supervisor of a business licensed by the Town of Cottonwood, or other facility who allows a 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.
 5. Any person who possesses 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.
 6. Any person who supplies, provides, gives, sells, or otherwise facilitates the use or possession of any tobacco product by a person under the age of 19 years is guilty of a misdemeanor. Violation of this provision shall be a misdemeanor for which any police officer may issue a summons.
 7. No person shall smoke or use any tobacco product within 15 feet of any enclosed structure entry way, open window or ventilation system, and outdoor designated smoking areas must be more than 15 feet from any enclosed structure as cited above, 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.
 8. 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.
 9. 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 mixed with saliva, 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.
 10. This ordinance shall apply within the Town Limits of Cottonwood and its police jurisdiction. Court costs are not to be taxed for summons issued for violations of this ordinance upon the first offense. Upon a second offense court costs shall be taxed to the violator if convicted and sentences for second offenses if convicted shall be up to 90 days in jail. The minimum fine is \$35 and maximum fine is \$500. Persons under the age of 18 years shall be referred to juvenile court.


This Ordinance shall, pursuant to Alabama Code Section 11-45-8, be published by posting copies hereof in three (3) public places within the municipality, one of which shall be at the post office or the Mayor's Office in the Town of Cottonwood, Alabama.

This Ordinance shall take effect five (5) days after it is first posted as required herein. Adopted and approved by the Town Council of the Town of Cottonwood, Alabama on this the 6th day of December, 2005.



Attest,



Joaine Reynolds, Town Clerk


Lomax Smith, Mayor

CERTIFICATION:

I, Jolaine Reynolds, as Town Clerk of the Town of Cottonwood, Alabama, hereby certify that the above and foregoing copy of one (1) Ordinance Number 92-103 is hereby a true and correct copy of such Ordinance that was duly adopted by the Town Council of the Town of Cottonwood on the 6th day of December 2005, as same appears in the official records of said Town.

Posted at Cottonwood City Hall, Cottonwood Nutrition Center and the Cottonwood Post Office, this 7th day of December 2005.



Jolaine Reynolds, Town Clerk