

COPY

ORDINANCE

WHEREAS, the United States Surgeon General has concluded that involuntary smoking by inhaling secondary smoke is a cause of disease, including lung cancer, in non-smokers; and

WHEREAS, the possession of lighted smoking materials in buildings owned, leased and occupied by the City of Florence is a nuisance and is hazardous to the public health, the employees of the City of Florence's health, safety, comfort, convenience and indoor environment; and

WHEREAS, the City Council of the City of Florence, Alabama, finds that it is necessary to prohibit smoking in all buildings owned, leased or occupied by the City of Florence and in all vehicles owned by the City of Florence;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, ALABAMA, as follows:

Section 1. *DEFINITIONS*

- (a) "Smoking" or "smoke" shall include the carrying, holding, or possession of lighted smoking materials in any form, including but not limited to, the possession of lighted cigarettes, cigars, pipes, or other tobacco products;
- (b) "Municipal Buildings" shall mean any enclosed area owned or leased by the City of Florence, a municipal corporation.
- (c) "Municipal Vehicles" shall mean any vehicle that is owned or leased by the City of Florence, a municipal corporation.

Section 2. *OFFENSES*

- (a) Smoking is prohibited in Municipal Buildings and Municipal Vehicles.

Section 3. *ENFORCEMENT*

- (a) Provisions of this article are enforceable by any duly sworn police officer employed by the City of Florence, Alabama, or as otherwise allowed by law for prosecution of offenses.

Section 4. *PENALTY.*

- (a) Any persons who wilfully smokes in an area where smoking is prohibited under this Ordinance shall be guilty of an "offense," and shall be subject to punishment as stipulated in Sec. 1-6. Penalty for violation of city ordinances, Code of Florence, Alabama.
- (b) Any employee of the City of Florence who violates this Ordinance, in addition to being subject to a fine, will be subject to disciplinary action in accordance with the Supervisor's Manual of the City of Florence, Alabama.

Section 5. MISCELLANEOUS.

- (a) Validity or constitutionality. If any portion of this Ordinance shall be unconstitutional, invalid, or unenforceable, such holding shall not affect the remaining portions of the Ordinance nor render the remaining portions of the Ordinance invalid, and to that end, the provisions hereof are declared to be severable.
- (b) This Ordinance shall become effective on the 1st day of September, 1993.

ADOPTED this the 17th day of AUGUST, 1993.

Walter D. Forcha

Arnold Chirley

James Mussler

[Signature]
CITY COUNCIL

APPROVED this 17th day of AUGUST, 1993.

Eddie Frost
MAYOR

ADOPTED & APPROVED this 17th day of AUGUST, 1993.

James Deason
CITY CLERK-TREASURER