

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF FORT PAYNE

ORDINANCE NO. 95-9
AN ORDINANCE PROHIBITING SMOKING
IN CERTAIN PUBLIC PLACES IN THE CITY OF FORT PAYNE

WHEREAS, Studies by the Surgeon General of the United States, the National Academy of Sciences and other health organizations have concluded that passive exposure (second hand smoke) or involuntary smoking is a cause of a variety of negative health conditions in non-smokers, including but not limited to lung cancer; and

WHEREAS, The possession of lighted or burning smoking materials in public places is a nuisance and is hazardous to the public health, safety, comfort, convenience and indoor environment; and

WHEREAS, The simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to environmental tobacco smoke; and

WHEREAS, The City Council of the City of Fort Payne, Alabama, hereby finds that it is necessary to prohibit smoking in buildings and structures owned by the City of Fort Payne.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Fort Payne, Alabama as follows:

- A. It shall be unlawful for any person to possess, smoke, hold or carry any lighted smoking material of any form, including but not limited to, cigarettes, cigars, pipes or other smoking material within any building or structure which is owned by the City of Fort Payne, Alabama or any agency or board thereof, or under the jurisdiction and control of the City.
- B. This ordinance shall not prohibit smoking in open air areas on the outside of any buildings or structures set forth in paragraph (a) hereof.
- C. Any person who willfully smokes in a building or structure where smoking is prohibited under this ordinance shall be guilty of an "offense" against the City of Fort Payne, Alabama and shall be subject to imposition of punishment by the Municipal Court of the City of Fort Payne, Alabama by a fine of not less than \$1.00 nor more than \$500.00 for each such offense.
- D. Nothing in this ordinance shall be construed to permit smoking in an area where it is otherwise prohibited by law or regulation.
- E. If any portion of this ordinance shall be held unconstitutional, invalid or unenforceable, such holding shall not effect the remaining portions or render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.
- F. This ordinance shall become effective on the passage and publication.

DONE this the 11th day of April, 1995.

CITY OF FORT PAYNE BY:
/s/ J. David Stout
J. David Stout, Mayor
(SEAL)

ATTEST:
/s/ James C. McGeo
James C. McGeo, City Clerk