

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF FORT PAYNE

ORDINANCE NO. 97-11
AN ORDINANCE PROHIBITING SMOKING IN CITY-OWNED BUILDINGS OR STRUCTURES
EXCEPT IN CERTAIN DESIGNATED AREAS

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 nonsmokers, 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 separation of smokers and non-smokers may reduce the exposure of non-smokers to environmental tobacco smoke; and

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

SECTION 1. That *Ordinance No. 95-9* adopted by the Mayor and City Council on April 11, 1995, be and hereby is repealed in its entirety.

SECTION 2.

- 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, except in specific areas designated by the Mayor of the City of Fort Payne.
- 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 an area not specifically designated by the Mayor as a smoking area in any building or structure owned by the City 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.

This ordinance shall become effective on its passage and publication.

DONE this the 18th day of March, 1997.

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

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

(SEAL)