

STATE OF ALABAMA \*  
COUNTY OF DEKALB \*  
TOWN OF SYLVANIA \*

ORDINANCE 05-7

**ORDINANCE 81-3**

**AN ORDINANCE PROHIBITING ALL TOBACCO PRODUCTS IN TOWN-OWNED BUILDINGS OR STRUCTURES AND WITHIN MUNICIPAL PARKS AND FACILITIES WITHIN THE TOWN OF SYLVANIA**

**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 is a leading cause of fires, plus cigarette burns and ashes on fixtures cause economic losses to the Town; 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 Town Council of the Town of Sylvania, Alabama as follows:**

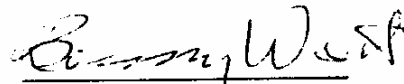
**SECTION 1.**

- 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 materials within any building or structure which is owned by the Town of Sylvania, Alabama or any agency or board thereof, or under the jurisdiction and control of the Town.
- b. This Ordinance shall be enforced by the Town officials and local law enforcement.
- c. This Ordinance shall prohibit smoking in open air areas outside any building or structures, such as municipal buildings and facilities, parks and other areas designated as recreational areas including, but not limited to, soccer fields, football fields, walking tracks, running tracts, playground areas or other areas where minor children may be participating in or otherwise present for sporting or other related park activities.

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- d. "No Smoking" signs and/or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public facility where smoking is prohibited by this Ordinance, by the owner, manager or other person in control of that facility.
  - e. An owner, manager, operator, or employee of a public facility regulated by this Ordinance shall inform persons violating this Ordinance of the appropriate provisions thereof.
  - f. Any person who willfully smokes in an area, building or structure owned by the Town shall be guilty of an "offense" against the Town of Sylvania, Alabama, and shall be subject to imposition of punishment by the Municipal Court of the Town of Sylvania, Alabama, by a fine of not less than \$25.00 nor more than \$500.00 for each offense.
  - g. Nothing in this Ordinance shall be construed to permit smoking in an area where it is otherwise prohibited by law or regulation.
  - h. If any portion of this Ordinance shall be held unconstitutional, invalid or unenforceable, such holding shall not affect 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 after 30 days from and after the Ordinance.

ADOPTED AND APPROVED this 3<sup>RD</sup> day of MAY 2005.

  
MAYOR

ATTESTED BY:

  
TOWN CLERK