

CITY OF CHELSEA

ORDINANCE NO. 06-02-07-302

AN ORDINANCE TO REGULATE THE USE OF TOBACCO PRODUCTS ON CITY-OWNED PROPERTY AND WITHIN CITY-OWNED VEHICLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA, ALABAMA AS FOLLOWS:

§1 - Definitions:

Whenever used in this Ordinance, unless otherwise indicated, the following words and phrases shall have the following meanings:

CITY-OWNED LAND: any acreage owned by the City of Chelsea, Alabama.

CITY-OWNED STRUCTURES: any building owned by the City of Chelsea, Alabama, including, but not limited to, City Hall, Senior Center, and park facilities.

CITY-OWNED VEHICLES: any conveyance owned by the City of Chelsea, including, but not limited to, support vehicles, fire apparatus, and Citizen Observer Patrol vehicles.

DESIGNATED SMOKING AREAS: areas behind a fire station that have been constructed to provide for safe disposal of lighted tobacco products and which do not allow for the intake of tobacco smoke through a ventilation system, a door or a window.

EMPLOYEE: any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

TOBACCO PRODUCTS: any smokeable, or non-smokeable tobacco substance, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or any lighted tobacco product.

§2 – Tobacco Use Prohibited:

- (a) It shall be unlawful to use tobacco products on any city-owned land.
- (b) It shall be unlawful to use tobacco products inside any city-owned structure.
- (c) It shall be unlawful to use tobacco products in any city-owned vehicle.

§3 – Exception:

The use of tobacco products shall be allowed in designated smoking areas only. Each facility will have designated area where tobacco products may be used.

§4- Penalty:

- (a) Employees who continually violate this ordinance will face disciplinary action from their supervisor and could face termination as well as fines of \$50-\$100.
- (b) Citizens in violation of this ordinance will be removed from the premises and could be fined \$50 for the first offense and \$100 for each additional offense for a 12 month period after the first conviction.

§5 - Authority of this Ordinance:

This ordinance shall take precedence over any neighborhood covenants.

§6 - Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

§7 - Effective date:

This ordinance shall become effective on and after _____

ADOPTED this ____ day of _____, 2006

S. Earl Niven, Mayor

James V. Ferguson, Councilmember

Donald E. King, Councilmember

Jeffrey M. Denton, Councilmember

Col. John Ritchie, Councilmember

Juanita Champion, Councilmember

ATTEST:

Robert A. Wanninger - City Clerk

I, Robert A. Wanninger, Clerk of the City of Chelsea, Alabama, hereby certify that the above Ordinance was duly adopted by the Council of the City of Chelsea, Alabama at a regular meeting held on the _____ day of _____, 2006, and that same has been published in accordance with the law, on the _____ day of _____, 2006.

City Clerk