

ORDINANCE NO. 1132-08-17

AN ORDINANCE OF THE CITY OF HONDO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 6 – HEALTH AND SANITATION, ARTICLE 6.08 TOBACCO PRODUCTS BY PROHIBTING SMOKING IN CITY FACILITIES, VEHICLES AND SURROUNDING AREAS; SETTING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hondo, Texas, desires to protect the public health and welfare of citizens and visitors of the City by prohibiting smoking in specified locations within City owned and leased buildings and to assist nonsmokers in their efforts to breathe smoke-free air; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS:

SECTION I. Chapter 6 Health and Sanitation, Articles 6.08 regarding Tobacco Products is hereby amended to read as follows:

Secs. 6.08.001–6.08.030 Reserved

Division 2. Smoking in City Buildings

Sec. 6.08.031 Definitions

The following definitions shall apply:

City buildings. All of the enclosed area that is used by the city and its employees and the general public, including but not limited to all or any part of the building used for any of the operations of the city, such as the city hall, police station, municipal court, library, health department, city maintenance facilities, water treatment plant, and wastewater treatment plant, community center, swimming pool, youth recreation center and including buildings and vehicles owned, leased, or operated by the city.

Electronic cigarette. Refers to an electronic device, including a device that may be recharged and the components of the device, that converts liquid nicotine into a gas or vapor intended to be inhaled or otherwise orally used by a person and is generally described as a device composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that produce a gas or vapor derived from liquid nicotine and other substances which has the effect of simulating smoking. The term includes such devices, regardless of the details of the appearance or marketed name, generally manufactured to resemble cigarettes, cigars, pipes, or other smoking devices. Electronic cigarettes are also variously known as "e-cigarettes," "e-cigs," "electronic vapors," "e-vapors," and other similar names

Smoke or smoking. Includes:

- (1) Carrying or holding a lighted pipe, cigar, or cigarette of any kind, electronic cigarette or any other lighted smoking equipment or device;
- (2) The combustion of any cigar, cigarette, tobacco, or similar article, or any other combustible substance, in any manner, or in any form; or
- (3) Emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

Sec. 6.08.032 Offenses; penalty

- (a) A person commits an offense if in a city building the person smokes and fails or refuses to extinguish smoking materials or move outside the building upon request by any person to do so.
- (b) A person commits an offense if he destroys or defaces a sign posted as required by this article.
- (c) Any person convicted of violating this provision shall be guilty of a class C misdemeanor, punishable by a fine as provided for in the general penalty provisions found in section 1.01.009 of this code.

Sec. 6.08.033 Signs

Signs shall be visibly placed at each public entrance to city buildings to notify persons entering the premises that smoking is prohibited. This provision does not include exits used exclusively as emergency exits.

Sec. 6.08.034 Reasonable Distance

Smoking is prohibited within a distance of not less than twenty-five (25) feet outside entrances, wheelchair ramps serving any entrance or exit, operable windows and ventilation systems of enclosed areas in any city facility.

Sec. 6.08.035 Designated Areas

Notwithstanding any other provision of this Article to the contrary, the City Manager or designee may designate an outside area for city employees and visitors to city buildings for smoking.

Sec. 6.08.036 Enforcement

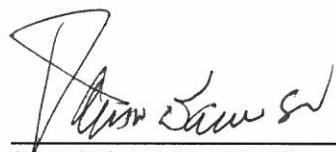
The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance. There shall be no requirement of a culpable mental state for a violation of this division.

SECTION II. SEVERABILITY CLAUSE: If any section, subsection, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be stricken from the ordinance, and such holding shall not affect the validity of the remaining portions thereof. The balance of the ordinance shall be construed as one instrument and as if the offending portion had not been included.

SECTION III. SAVINGS CLAUSE: All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION IV. EFFECTIVE DATE: Effective immediately following the publication of this ordinance in the local newspaper as required by Section 51.052 of the Texas Local Government Code, the following sections will apply within the corporate city limits of Hondo, Texas.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO,
TEXAS, THIS 14th DAY OF AUGUST 2017.**



JAMES W. DANNER, SR.,
MAYOR

ATTEST:



Elsa T. Robles, Interim City Secretary

