

ORDINANCE NO. 10-99

**AN ORDINANCE DESIGNATING THE CITY HALL AS A SMOKE FREE WORK-PLACE; RESTRICTING THE SMOKING OR CARRYING OF LIGHTED TOBACCO PRODUCTS IN CERTAIN CITY BUILDINGS; CREATING AN OFFENSE; PROVIDING PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING OPEN MEETINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

Whereas, in order to provide for the public health and safety it is necessary and reasonable for the City to regulate the use of tobacco products within the City offices;

Whereas, as the owner and manager of buildings and real property, the City has the authority to regulate and control the use of tobacco products within such buildings; and

Whereas, the designation of the City Hall and City buildings open to the general public as a smoke-free workplace will benefit the employees and citizens of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:**

**Section 1. Smoke Free Environment.** The City Hall and offices located at 105 South Texas, De Leon, Texas, is hereby designated a smoke-free workplace. It shall be unlawful for any person to smoke tobacco, or have any lighted or burning tobacco product in their possession, within the City Hall, or at any public meeting held on city premises.

**Section 2. Smoking Prohibited.** It shall be unlawful for any person to carry or have in his or her possession any lighted or burning tobacco product within the City Hall or within any City building that is open to the general public.

**Section 3. Smoking and Use of Tobacco.** The City officers and staff are directed to: (1) provide notice at the City Hall and all other City buildings that are open to the general public that smoking or possession of any lighted or burning tobacco product in such building is not permitted; and (2) provide notice to depart to anyone found carrying or in possession of a lighted or burning tobacco product in the City Hall or within any City building that is open to the general public. A sign posted as notice under this section shall be sufficient if it reads substantially as follows: "Smoking Not Permitted", "No Smoking Area" or "Smoking Prohibited".

**Section 4. Penalties.** Any person who violates any of the provisions of this ordinance in any city building in which any of the signs referenced in Section 3 are posted, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Each day of violation and each incident of violation of this ordinance shall constitute

a separate offense.

**Section 5. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


**Section 7. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Local Gov't Code.

**Section 8. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.


Passed and adopted on first reading this 27 day of July, 1999.

Finally passed and adopted on this 10 day of August, 1999.

City of De Leon, Texas

  
Norma Jo Locke, Mayor

Attest:

  
Regina Sadberry, City Secretary