

CITY OF PENITAS

COUNTY OF HIDALGO, TEXAS

ORDINANCE NO. 98-01

AN ORDINANCE OF THE CITY OF PENITAS, TEXAS WITH REGARD TO HEALTH OF CITY EMPLOYEES AND GENERAL PUBLIC; PERTAINING TO SMOKING IN BUILDINGS OWNED BY, OR UNDER CONTROL OF THE CITY OF PENITAS; PROVIDING FOR A PENALTY; PROVIDING FOR A SAVINGS CLAUSE AND A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Surgeon General of the United States has reported that inhalation of tobacco smoke involuntarily can cause disease, including lung cancer, in healthy non-smokers;

WHEREAS, the City Council of the City of Penitas believes that its employees and general public while using a City building should have the right to choose for themselves on an individual basis whether to smoke either actively or passively; and

WHEREAS, it is the desire of the City of Penitas to balance the interest of its employees and general public while using a City building who smoke against the potential hazard to its employees and general public who are non-smokers in a manner that will result in the minimum possible burden on those persons regulated while still meeting the duty to protect the health of its employees and general public.

NOW THEREFORE, BE IT ORDAINED by the City of Penitas, Texas, that:

Section 1 - SMOKING IN BUILDINGS OF CITY OF PENITAS

A. Definitions.

The following definitions shall apply:

- 1) City's buildings means all of the enclosed area that is used by the City and its employees and 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, but not exclusively, the City Hall, Neighborhood Facility, Municipal Court, Library, Fire Stations, Health Department, City Maintenance Facilities, Water Treatment Plant, and Waste Water Treatment Plant.

2) Smoke, Smokes or Smoking includes:

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

B. Offense; Penalty.

1) 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 an person to do so.

2) Any person convicted of violating this provision shall be guilty of a Class C Misdemeanor, punishable by a fine of not less than one dollar (\$1.00), nor more than one thousand dollars (\$1,000.00) as set by a Judge or Jury.

C. Signs.

Signs shall be visibly placed at each public entrance to city buildings to notify person entering the premises that smoking is prohibited. This provision does no include exits used exclusively as emergency exits.

Section 2 - PENALTY

That violation of any provision of this ordinance shall be deemed a misdemeanor punishable by a fine of not less than One Dollar (\$1.00) nor more than One Thousand Dollars (\$1,000.00).

Section 3 - SAVINGS CLAUSE

That should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder off his ordinance shall not be affected thereby.

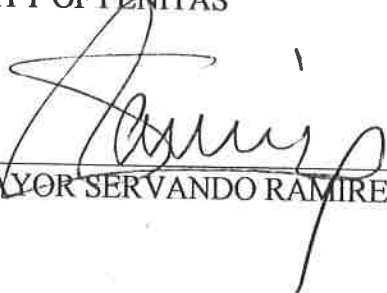
Section 4 - PUBLICATION

That the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provide by law.

PASSED and APPROVED on the first reading, this the 7th day of October, 1997.

PASSED and APPROVED on the second reading, this the 21st day of October, 1997.

CITY OF PENITAS


MAYOR SERVANDO RAMIREZ, JR.

ATTESTED BY:


CITY SECRETARY



