

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO 2022-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS PROHIBITING SMOKING IN AND ON CERTAIN MUNICIPAL PROPERTIES; AND PROVIDING FOR PENALTIES, A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas (“City”) is a Type A General Law Municipality duly organized and incorporated under the laws of the State of Texas; and

WHEREAS, Local Government Code section 51.012 authorizes the governing body of a municipality to adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, it has been determined that children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, the City Council of Sandy Oaks, Texas finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in enclosed places and specified outdoor areas within the City; and (2) to guarantee the right of nonsmokers to breathe smoke-free air and recognizing that the need to breathe smoke-free air shall have priority over the desire to smoke;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. DEFINITIONS The following words and phrases for the purpose of this Ordinance shall have the following meanings unless the contexts clearly indicate otherwise:

E-cigarette or Electronic Smoking Device means any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other

substances, and the use or inhalation of which simulates smoking.

Municipal building means a building or portion of a building owned, leased, or otherwise used by the City of Sandy Oaks for official business of the City. Municipal buildings shall include all structures or facilities owned, leased, rented and/or operated by the City of Sandy Oaks, and/or occupied by City employees and used for official business of the City of Sandy Oaks.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe or any other lighted or heated tobacco or plant product intended for inhalation in any manner or any form.

SECTION 3. APPLICATION OF ORDINANCE TO CITY-OWNED FACILITIES.

- A. All facilities enclosed on two or more sides, including buildings and vehicles owned, leased, or operated by the City of Sandy Oaks, Texas shall be subject to the provisions of this ordinance.
- B. Outdoor areas owned or leased by the City of Sandy Oaks, Texas as designated by the City Council of the City of Sandy Oaks, Texas shall be subject to the provisions of this ordinance.

SECTION 4. SMOKING PROHIBITED IN MUNICIPAL BUILDINGS AND VEHICLES, NEAR AN ENTRANCE, EXIT OR OPERABLE WINDOW OF A MUNICIPAL BUILDING; SIGNS REQUIRED; AND PROHIBITED ACTS.

- A. It shall be unlawful for any person to perform the following acts in any municipal building in the City or in vehicle owned, leased, or operated by the City or within 50 feet of any public entrance, exit, or operable window to any municipal building:
 - (1) Smoke,
 - (2) Carry a lighted cigarette, cigar, or tobacco-containing pipe, or
 - (3) Light a cigarette, cigar, or tobacco-containing pipe.
- B. Signs, indicating “No Smoking within 50 Feet” and/ or “No Smoking Beyond This Point” shall be prominently posted at the approach to municipal facilities.
 - (1) “No Smoking within 50 Feet” signs must be a minimum of 12 inches by 12 inches, bilingual in English and Spanish and have the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).
 - (2) “No Smoking Beyond This Point” signs must be a minimum of 18 inches high and 12 inches wide, bilingual in English and Spanish and have the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

- (3) Signs may be attached to the building or signposts.
- (4) No smoking sticker measuring a minimum of 3 inches by 1.5 inches shall be affixed to a door window on each side of each City-owned enclosed vehicle.

SECTION 5. SMOKING PROHIBITED ON CERTAIN MUNICIPAL GROUNDS; SIGNS REQUIRED; AND PROHIBITED ACTS.

- A. It shall be unlawful for any person to perform the following acts on any City owned or leased grounds designated by the City Council of the City of Sandy Oaks, Texas as a no smoking zone:
 - (1) Smoke,
 - (2) Carry a lighted cigarette, cigar, or tobacco-containing pipe, or
 - (3) Light a cigarette, cigar, or tobacco-containing pipe.
- B. Signs as designated by Section 4B shall be prominently posted at designated outdoor no smoking zones.

SECTION 6. USE OF E-CIGARETTES OR ELECTRONIC SMOKING DEVICES PROHIBITED WHERE TOBACCO SMOKING IS PROHIBITED.

Use of any e-cigarette or electronic smoking device is prohibited in all locations where tobacco smoking is prohibited by any provision of this ordinance. Any person using such e-cigarette or electronic smoking device in such a location shall be deemed in violation of this provision.

SECTION 7. VIOLATION AND PENALTIES

- A. A person commits an offense if he knowingly, willingly, and intentionally commits an act in violation of the provisions of this Ordinance.
- B. Violation of this ordinance is a Class C misdemeanor and shall carry a fine of up to \$200.00 upon conviction. Each violation shall constitute and be punishable as a separate offense.

SECTION 8. OTHER APPLICABLE LAWS. This ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws or regulations.

SECTION 9. SEVERABILITY.


Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective upon publication and posting of required signs.

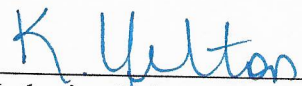
PASSED AND APPROVED on this 9th day of June 2022.

CITY OF SANDY OAKS, TEXAS



Charles Fillinger, Mayor

ATTEST:



Katherine Yelton, City Secretary