

**AMENDED**

**Date** 5-20-97

Ord # 254

CITY OF SEVEN POINTS, TEXAS

ORDINANCE NO. 232

AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS, AMENDING CHAPTER 6, SECTION 6, OF THE SEVEN POINTS CODE OF ORDINANCES, REPEALING ORDINANCE NO. 202, PROHIBITING THE USE OF TOBACCO PRODUCTS IN CITY ADMINISTRATION BUILDINGS, AND IN ALL CITY POLICE VEHICLES, EXCEPT IN COUNCIL DESIGNATED AREAS; PROVIDING DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of Seven Points, Texas, is charged with the health, safety and welfare of the City's residents; and

WHEREAS, the United States Surgeon General has issued an opinion that smoking and secondary smoke is hazardous to a person's health; and

WHEREAS, the United States Surgeon General has determined that the use of smokeless tobacco can cause certain forms of cancer; and

WHEREAS, the Seven Points City Council recognizes its responsibility to promote the health, safety and welfare of its residents;

NOW THEREFORE, BE IT ORDAINED by the Seven Points City Council, that Chapter 6, Health and Sanitation, of the Seven Points Code of Ordinances, is hereby amended, repealing Ordinance No. 202 by amending Chapter 6, Section 6, Smoking in City Hall, which said section shall read as follows:

SECTION 6:           USE OF TOBACCO PRODUCTS PROHIBITED IN CITY  
ADMINISTRATION BUILDINGS AND CITY POLICE VEHICLES  
EXCEPT IN DESIGNATED AREAS

A. DEFINITIONS:

"Smoke" or "Smoking" includes the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or device, and the lighting of, emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

"Tobacco Products" shall include all forms of tobacco intended for use in pipes, cigars, cigarettes, whether pre-rolled or loose, and shall also include all forms of smokeless tobacco intended for oral use such as, but not limited to, snuff, dip, and chewing tobacco.

- B. IT SHALL BE UNLAWFUL FOR ANY PERSON TO SMOKE, BURN, OR USE ANY TOBACCO PRODUCTS IN ANY CITY ADMINISTRATION BUILDING OR CITY POLICE VEHICLE EXCEPT IN THOSE, DESIGNATED AREAS, IF ANY, WHERE SMOKING IS ALLOWED AS BY RESOLUTION OF THE CITY COUNCIL. AREAS SO DESIGNATED SHALL BE CLEARLY MARKED WITH "SMOKING AREA", "SMOKING PERMITTED", OR SIMILARLY WORDED SIGNS. "NO SMOKING", "SMOKING NOT PERMITTED" OR SIMILARLY WORDED SIGNS SHALL BE POSTED AT ALL CITY ADMINISTRATION BUILDING ENTRANCES AND PLACED IN THE CITY POLICE VEHICLES.
- C. SHOULD ANY SECTION, CLAUSE OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THIS ORDINANCE AS A WHOLE OR ANOTHER PART THEREOF, OTHER THAN THE PART SO DECLARED TO BE INVALID.
- D. THIS ORDINANCE SHALL REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH BUT ONLY IN SO FAR AS ANY PORTION OF SUCH PRIOR ORDINANCE OR PROVISIONS SHALL BE IN CONFLICT, AND AS TO ALL THE ORDINANCES OR PROVISIONS OF THE CITY OF SEVEN POINTS NOT IN DIRECT CONFLICT HEREWITH, THIS ORDINANCE SHALL BE AND IS HEREBY MADE CUMULATIVE.
- E. ANY PERSON THAT VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE FINED NOT LESS THAN TWENTY DOLLARS (\$20.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE.