

CITY OF HAWK COVE

ORDINANCE NO. 04-105

AN ORDINANCE OF THE CITY OF HAWK COVE, TEXAS, PROVIDING DEFINITIONS, PROHIBITING SMOKING IN CERTAIN PLACES, REQUIRING NO-SMOKING SIGNS, PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING A PENALTY FOR VIOLATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHERE AS, The surgeon general of the United States has determined that the smoking of tobacco products creates a public health hazard, and that passive smoking kills approximately 53,000 people annually in the United States, and specifically in Texas, smoking related illnesses are the number one cause of death in adults,

WHERE AS, The City of Hawk Cove, Texas desires to protect the health, safety, and welfare of employees of the City, and other person's temporarily working, or visiting areas under the jurisdiction, and control of the City of Hawk Cove,

WHERE AS, A smoking environment is not only hazardous to employee health, it is also detrimental to city owned computer equipment, which is the City's primary means of performing daily operations,

WHERE AS, A smokeless environment, overall, promotes a safer more productive working atmosphere,

SECTION 1: Definitions

- A.) Smoke or Smoking** means the act of burning any tobacco product, weed, filler, or plant of any kind in a cigarette, cigar, pipe or in any other smoking equipment, or device.

SECTION 2: Smoking/Non-Smoking Areas Designated

It shall be unlawful to smoke within any structural area of any City owned and operated facility, including, but not limited to offices, restrooms, break rooms. These facilities include:

- A.) City Hall Administrative Offices** – Located at 1585 Maria St., Hawk Cove, Texas.
- B.) Hawk Cove Police Department And Municipal Court Offices** – Located at 1585 Maria St., Hawk Cove, Texas.
- C.) If any facility is constructed which is City owned and operated, the same prohibitions with regard to smoking shall apply.**

The following are hereby declared to be a place in which smoking shall be lawful at all times:

- A.) Designated area outside City Hall Administrative Offices** – Located at 1585 Maria St., Hawk Cove, Texas.

SECTION 3: City Administrator To Post No-Smoking Signs

The City Administrator is hereby authorized to affix, and prominently display “No Smoking” signs in any public place in which smoking is prohibited, and no such regulation shall be effective unless such signs are in place.

SECTION 4: Severability

It is hereby declared to be the intention of the Hawk Cove City Council that The sections, paragraphs, sentences, clauses, and phrases are separable, and If any phrase, clause, sentence, paragraph or section of this ordinance shall be Declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction. It shall not affect any remaining phrases, clauses, sentences, paragraphs or sections, since the same would have been enacted by the City Council without the incorporation of any unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 5: Penalty For Violation

Any person found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five-hundred dollars(\$500.00), and each instance of violation shall be considered to be a separate offense.

SECTION 6: Effective Date

This ordinance shall take effect immediately from, and after passage and the Publication of the caption as the law in such cases provides.

PASSED AND APPROVED THIS THE 14TH DAY OF OCTOBER, 2004.



CITY ADMINISTRATOR
AVA HAVENS



MAYOR
BEN KINDER