

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10.5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING NEW SECTIONS 10.5-36 AND 10.5-37 THEREBY MAKING IT UNLAWFUL TO USE VAPOR OR ELECTRONIC CIGARETTES IN SPECIFIC AREAS IN PUBLIC PARKS AND PARK FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 10.5 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by adding new Sections 10.5-36 and 10.5-37 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**Sec. 10.5-36. Unlawful to use vapor or electronic cigarettes in specific areas of public parks.**

It shall be unlawful for any person to use vapor or electronic cigarettes in public parks in the following areas:

- (a) Concession stands;
- (b) Dugouts, bleachers and ball fields and within 50 feet of a dugout, bleacher or ball field;
- (c) A playground or within 50 feet of a playground;
- (d) Plaza areas at athletic complexes or within 50 feet of such area; or
- (e) Restroom facilities or within 50 feet of a restroom facility.

**Sec. 10.5-37. Unlawful to use vapor or electronic cigarettes in specific park facilities.**

It shall be unlawful for any person to use vapor or electronic cigarettes in recreation centers, senior centers or indoor reservation facilities.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provisions of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

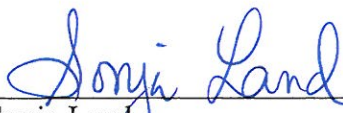
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th of February, 2014.

  
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John Monaco  
Mayor

ATTEST:

APPROVED:

  
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Sonja Land  
City Secretary

  
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B. J. Smith  
City Attorney