

ORDINANCE NO. 4432

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 10-99 IN ITS ENTIRETY AND ADDING A NEW SECTION 10-99 THEREBY UPDATING PUBLIC PLACES WHERE SMOKING IS PROHIBITED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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

SECTION 1. That Chapter 10 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Section 10-99 in its entirety and adding a new Section 10-99 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 10-99. Smoking prohibited in public places.

Smoking is unlawful in the following public places and all indoor places of employment, including but not limited to:

- (a) Airports;
- (b) Art galleries, libraries and museums;
- (c) Bars or night clubs;
- (d) Billiard halls;
- (e) Bingo facilities;
- (f) Bowling centers;
- (g) Classrooms and lecture halls;
- (h) Day care centers;
- (i) Elevators;
- (j) Grocery stores;
- (k) Health care facilities;
- (l) Hotels, motels or public or private convention centers as follows:

- (1) Any conference room, meeting room or assembly room of any hotel, motel or public or private convention center;
 - (2) Any indoor common areas of hotels and motels; and
 - (3) At least 90 percent of rooms rented to guests;
- (m) Indoor or outdoor pedestrian service lines in which one or more persons is giving or receiving goods or services of any kind;
 - (n) Lobbies, reception areas, waiting rooms, hallways and any other common use areas;
 - (o) Any areas available to and customarily used by the general public in all businesses;
 - (p) Any indoor common areas of a multi-family development;
 - (q) Multi-tenant business buildings and service establishments including, but not limited to buildings with insurance, medical, accountant, therapist or attorney's offices with the exception as provided for tobacco stores in paragraph (z) below;
 - (r) Polling places;
 - (s) Public conveyances including school buses and mass transit vehicles;
 - (t) Public meetings;
 - (u) Public parks in the following areas:
 - (1) Concession stands;
 - (2) Dugouts, bleachers and ball fields, and within 50 feet of a dugout, bleacher or ball field;
 - (3) A playground or within 50 feet of a playground;
 - (4) Plaza areas at athletic complexes or within 50 feet of such area; or
 - (5) Restroom facilities or within 50 feet of a restroom facility;
 - (v) *Primary or secondary schools.* Any facility of a public primary or secondary school including parking lots and courtyards, indoor and outdoor common use areas;
 - (w) *Public transit depots.* Indoor waiting areas of public transit depots or shelters;
 - (x) Restaurants;
 - (y) Restrooms;

- (z) Retail stores with the exception of retail tobacco stores whose primary activity is the sale or promotion of tobacco, tobacco products and accessories, and wherein all smoking is conducted within a sealed, ventilated room approved by the Building Official and is dedicated exclusively to smoking;
- (aa) Sexually-oriented businesses;
- (bb) Taxicabs;
- (cc) Theaters and sports arenas;
- (dd) Train stations; or
- (ee) Within 50 feet of the outside entrance to a prohibited smoking area.

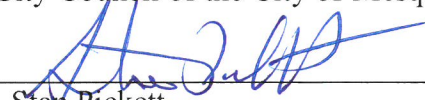
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision 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.

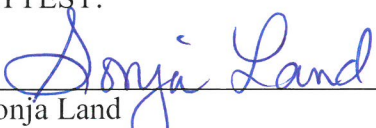
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) 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.

SECTION 5. That this ordinance shall take effect immediately from and after June 6, 2016.

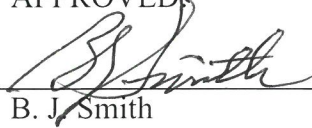
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of June, 2016.



Stan Pickett
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney