

ORDINANCE NO. 4452

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING THE DEFINITION OF "HOTEL" TO SECTION 10-96 AND BY DELETING SECTION 10-99(1) IN ITS ENTIRETY AND ADDING A NEW SECTION 10-99(1) THEREBY PROHIBITING SMOKING IN ALL HOTEL ROOMS RENTED TO GUESTS; 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 providing additions and deletions under Sections 10-96 and 10-99 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Sec. 10-96.* Amend Section 10-96 by adding a new definition for "Hotel" to read as follows:

*Hotel* means an establishment in which lodging is offered and provided to the public for compensation classified under SIC 701 of the Mesquite Zoning Ordinance or its successor classification, including but not limited to motels, inns, tourist or auto courts, and hostels.

- (2) *Sec. 10-99.* Amend Section 10-99 by deleting Section 10-99(1) in its entirety and adding a new Section 10-99(1) to read as follows:

- (1) 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) All rooms rented to guests;

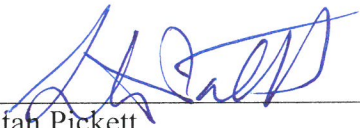
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

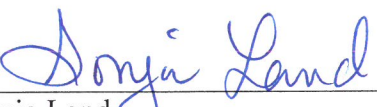
SECTION 5. That this ordinance shall take effect immediately from and after January 1, 2017.

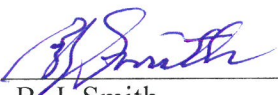
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of October, 2016.

  
\_\_\_\_\_  
Stan Pickett  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

  
\_\_\_\_\_  
B. J. Smith  
City Attorney