

**ARTICLE II. SMOKING REGULATIONS****Sec. 9-21. Definitions.**

(a) As used in this article, the following terms shall be defined as follows:

*City* means the City of Bellmead, Texas.

*Person* means an individual, corporation or association of any kind.

*Public place* means an enclosed indoor area to which the public has access and includes, but is not limited to:

- (1) Retail food stores, retail stores, food service establishments, offices, restaurants and other commercial establishments;
- (2) Public and private institutions of higher education;
- (3) Health care facilities, nursing and convalescent homes, hospitals and child care nurseries;
- (4) City buildings or any portion thereof owned or leased by the city and used for city purposes;
- (5) Court rooms, jury rooms or deliberation rooms;
- (6) Arenas, auditoriums and gymnasiums;
- (7) Restrooms;
- (8) Public or private primary or secondary schools;
- (9) Elevators;
- (10) Enclosed theaters or movie houses;
- (11) Libraries and museums;
- (12) Transit systems or intrastate buses;
- (13) Planes and trains;
- (14) All conveyances and public places regulated by Texas Penal Code Annotated, Section 48.01, as it may be amended from time to time.

*Smoke* or *smoking* includes:

- (1) Possessing a lighted pipe, cigar, cigarette of any kind or any other lighted smoking equipment or device; or
- (2) The combustion of any cigar, cigarette, tobacco product or any other combustible substance in any form; or
- (3) Emitting or exhaling the smoke of a pipe, cigar, cigarette, tobacco product or any other combustible substance of any kind.

(b) The definition of a term in this article applies to each grammatical variation of the term.

(Ord. No. 96-002, § 1, 3-12-96)

**Sec. 9-22. Nonsmoking areas in public places.**

- (a) The city council shall designate smoking and nonsmoking areas in city buildings or any portion thereof owned or leased by the city and used for city purposes.
- (b) The owner, lessee, operator, manager or other person in charge of any other public place may, but is not required to, designate a building, room, area or areas of a room as nonsmoking.
- (c) If a nonsmoking area is designated in a public place, each such nonsmoking area shall:
  - (1) Have prominently displaced signs which comply with the notice requirement in Texas Penal Code Annotated, Section 48.01, as it may be amended from time to time; or
  - (2) Have prominently displayed, conspicuous signs which state "No Smoking, City of Bellmead Ordinance", the universal symbol for no smoking or other language that clearly prohibits smoking; and
  - (3) Provide receptacles in sufficient numbers and at such conspicuous locations, so that the receptacles are readily accessible to those persons wishing to dispose of smoking material.
- (d) No area may be designated for smoking where prohibited by the fire marshal, federal, state or local laws, regulations, rules or ordinances.

(Ord. No. 96-002, § 1, 3-12-96)

#### **Sec. 9-23. Penalty.**

A person commits an offense if he knowingly or intentionally smokes in an area designated as nonsmoking pursuant to section 9-22. Any person convicted under this section shall be fined an amount not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00).

(Ord. No. 96-002, § 1, 3-12-96)

#### **Sec. 9-24. Responsibility for reporting violations.**

The owner, operator, manager or employee of an establishment may report a violation of this article. However, this article does not require the owner, operator, manager or employee of an establishment to report a violation or to take any action against any individual violating this article. No such failure by an owner, operator, manager or employee to report a violation or to take action against an individual shall constitute a violation of this article.

(Ord. No. 96-002, § 1, 3-12-96)

#### **Sec. 9-25. Not to excuse noncompliance with other measures.**

Nothing in this article excuses noncompliance with any federal or state law, city ordinance or any rule or regulation adopted pursuant thereto which prohibits smoking.

(Ord. No. 96-002, § 1, 3-12-96)

#### **Sec. 9-26. Enforcement.**

The Waco-McLennan County Public Health District is responsible for the enforcement of this article. Complaints against persons violating this article shall be made to the Waco-McLennan County Public Health District for investigation and referral, if warranted, to the office of the city attorney for prosecution.

(Ord. No. 96-002, § 1, 3-12-96)