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)