

**ORDINANCE NO. 1322**

**AN ORDINANCE OF THE CITY OF BONHAM, TEXAS, AMENDING ORDINANCE NUMBER 1318 WHICH PROHIBITS SMOKING AND "VAPING" IN RESTAURANTS AND OTHER PUBLIC BUILDINGS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is a generally accepted principle that second-hand smoke from cigarettes and other tobacco and non-tobacco products, including vaping devices (more commonly known as electronic cigarettes) constitutes a hazard to a person's health; and

**WHEREAS**, it is necessary, in order to improve and protect the public's health, to eliminate smoking in certain public places;

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

**SECTION 1.** That Ordinance 1318, dated May 11, 2015, is hereby amended as follows:

**"SECTION 2.**

(a) It shall be unlawful for any person to perform the following acts in any public building in the City or near a public entrance of a building that shall impede flow of pedestrians either entering or exiting the establishment.

- (1) Smoke, Vape or
- (2) Carry or use a lighted cigarette, cigar, or ingestion device, or
- (3) Light a tobacco or non-tobacco product for the purpose of smoking.

(b) It shall be unlawful for any owner, operator, manager, or employee of any restaurant or public building fail to post one of the following signs at a location clearly visible to a person entering the restaurant or public building:

- (1) A "No Smoking" sign, or
- (2) The international "No Smoking" symbol (depiction of a burning cigarette enclosed in a red circle with a red bar across it).

(c) Any owner, manager, operator or employee of any establishment regulated by this Article shall be responsible for informing persons violating this Article of the provisions."

**“SECTION 4.**

- (a) Any person may register a complaint under this Article to initiate enforcement with any agency or official designated herein.
- (b) Enforcement of this Article shall be by City employees and/or contractors as designated by the City Manager or designee.

**SECTION 2.** That all provisions of the ordinances of the City of Bonham, Texas, in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3.** That should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 4.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**DULY PASSED** by the City Council of the City of Bonham, Texas, on this 10<sup>th</sup> day of August 2015.

**APPROVED:**

  
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**Roy Floyd, MAYOR**

**ATTEST:**

  
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**Heather Stockton, CITY SECRETARY**

