

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, ARTICLE V, DIVISION I, TOBACCO AND ALCOHOLIC BEVERAGES, SECTION 62-119, MISCELLANEOUS OFFENSES; REVISING THE NO SMOKING BAN IN ALL CITY OF DEER PARK PUBLIC BUILDINGS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY.**

**WHEREAS**, there has been a nationwide increase in the use of electronic smoking devices; and

**WHEREAS**, the use of electronic smoking devices has been characterized with both acute and long-term public health and safety issues; and

**WHEREAS**, the City of Deer Park as a home rule city desires to eliminate this threat to public health, safety, and welfare; and

**WHEREAS**, it is in the best interest of the city to adopt an Ordinance to prevent smoking of all types in the City’s buildings and thereby creating a public health and safety issue;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

1. That the city council hereby finds and adopts the preamble to this Ordinance.

2. That the Code of Ordinances of the City of Deer Park, Texas is hereby amended at Section 62-119, Miscellaneous Offenses, by amending Article V, Division I, Tobacco and Alcoholic Beverages, Section 62-119, by adding electronic smoking devices to the list of no smoking in City of Deer Park public buildings, to read as follows:

**Section 62-119 – Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Electronic smoking device*** means any device with a heating element, battery, or electronic circuit that delivers nicotine, or any other substance intended for human consumption by inhalation. The term includes every variation and type of such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an

electronic pipe, an electronic hookah, vaping device, or any other product name or descriptor, and any aerosol, liquid, or vapor used in such a device.

**Section 62-119 – No smoking in all buildings.**

(a) It shall be unlawful to smoke, use an electronic smoking device, or carry lighted tobacco in any form, in any place or area of any public building that is owned by the city.

(b) “No smoking” signs with letters of not less than one inch in height shall be conspicuously posted in every building where smoking is controlled by this section.

3. **Severability:** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

4. **Government Code:** It is officially found and determined that the meeting at which this Ordinance was adopted, was open to the public and the public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the \_\_\_\_ day of \_\_\_\_\_, 2024 **by a vote of \_\_\_\_\_ “Ayes” and \_\_\_\_\_ “Noes”.**

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney