

ORDINANCE NO. 20220711

AN ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS PROHIBITING TOBACCO USE AT, IN OR UPON CITY BUILDINGS, VEHICLES, EQUIPMENT AND FACILITIES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS.

WHEREAS, the City Council is authorized by Texas Local Government Code Section 51.001 to adopt ordinances for the good government, peace, or order of the municipality; and

WHEREAS, the City Council of the City of Niederwald, Texas desires to adopt this Ordinance in order to promote the health, safety and welfare of the citizens of the City of Niederwald, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS, THAT:

Section 1. Definitions.

For purposes of this Ordinance, the following terms are defined as follows:

“Tobacco product” is defined to include cigarettes, cigars, blunts, pipe tobacco, chewing tobacco, snuff, electronic smoking/vaping devices, and any other items containing or reasonably resembling tobacco, tobacco products, or substances intended for use in electronic smoking/vaping devices.

“Tobacco use” includes smoking, lighting, burning, chewing, dipping, or any other use of a tobacco product.

Section 2. Prohibited Tobacco Use.

It shall be unlawful for any person to light, burn or smoke a tobacco product; chew or dip tobacco product or snuff; or in any other manner use any tobacco product, at any time, at, in or upon any City building, City vehicle, City equipment and/or City office or other facility owned or leased by the City of Niederwald.

Section 3. Tobacco Free Zone Designation; Signage.

The Mayor or his/her designee is authorized to post signs giving notice that such tobacco use is prohibited as established by Section 2 of this Ordinance.

Section 4: Penalty.

Any person violating any provision of this Ordinance shall, upon conviction, be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). Each incident of tobacco use shall constitute a separate offense.

Section 5: Savings.

That save and except as amended by this Ordinance, all other ordinances of the City of Niederwald shall remain in full force and effect.

Section 6: Severability.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 7. Repealer.

Any other ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

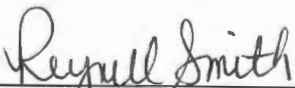
Section 8. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

Section 9. Proper Notice and Meetings.

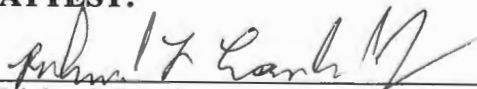
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED, at the meeting of the City Council held on this the 11th day of July, 2022



Hon. Reynell L. Smith, Mayor

ATTEST:



Richard Crandal, Jr., City Administrator/Secretary