

ORDINANCE NO. 2015-07

AN ORDINANCE AMENDING PROVISIONS OF ARTICLE 6.600 "SMOKING PROHIBITED IN MUNICIPAL FACILITIES" OF THE BRIDGEPORT CODE OF ORDINANCES OF THE CITY OF BRIDGEPORT, TEXAS FOR THE PURPOSE OF UPDATING VARIOUS SECTIONS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bridgeport is a Type A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council finds it necessary to amend portions of Article 6.600 "Smoking Prohibited in Municipal Facilities" of the City Code relating to smoking or tobacco use in municipal buildings, to extend the regulation to include electronic cigarettes.

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

SECTION 1

That Section (a) "Definitions" of Article 6.600 "Smoking Prohibited in Municipal Facilities" of the Bridgeport Code of Ordinances is hereby amended to include the definition of "Electronic Cigarettes" to read as follows:

(a) Definitions. The following words and terms when used in this section shall have the meanings defined as follows:

...

"Electronic Cigarettes. A cigarette-shaped device containing liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco."

...

The remaining definitions in Section (a) of Article 6.600 shall remain in full force and effect.

SECTION 2

That Section (b) of Article 6.600 "Smoking Prohibited in Certain Areas" of the Bridgeport Code of Ordinances is hereby amended in its entirety to read as follows:

"(b) Smoking Prohibited in Certain Areas. A person commits an offense if the person smokes or burns a tobacco product or electronic cigarette inside any municipal building. It is not an offense to possess a non-burning tobacco product or electronic cigarette inside a municipal building. "

SECTION 3

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bridgeport, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not effect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5

All rights and remedies of the City of Bridgeport are expressly saved as to any and all violations of the provisions of any ordinances governing smoking prohibited in municipal facilities as of the effective date of this ordinance; and any accrued violations, or pending litigation, both civil and criminal, whether pending in court or not under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense involving fire safety, zoning or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7

The City Secretary of the City of Bridgeport is hereby directed to publish the caption, penalty clause, and the effective date clause in the official City newspaper one time as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 8

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

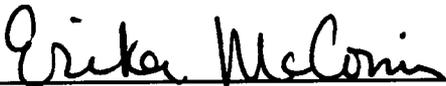
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 19 DAY OF May, 2015.

APPROVED:



Corey Lane, Mayor

ATTEST:


Erika McComis, City Secretary

