

ORDINANCE NUMBER 959

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 102: SMOKING IN PUBLIC PLACES TO ADD CITY OWNED FACILITIES TO PUBLIC PLACES AND TO RAISE THE SMOKING AGE; REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, during the 86th Legislative Session, the Texas Legislature raised the legal smoking age from 18 years of age to 21 years of age;

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to follow the Texas Legislature to raise the legal smoking age to 21 years of age and to add City-owned facilities to the definition of public places. **NOW THEREFORE**,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

PART I: ENACTED

THAT the Code of Ordinances for the City of Burkburnett is hereby amended by amending Chapter 102: Smoking in Public Places which amended and added sections shall read as follows:

§ 102.01 DEFINITIONS.

“PUBLIC PLACE.” An enclosed area or any portion thereof to which the public is invited or in which the public is permitted or allowed access, including but not limited to: banks, bars, bingo halls, educational facilities, fraternal organizations, health care facilities, hotel and motel rooms, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, waiting rooms, and workplaces. All City-owned facilities, including parks, are public places for the purpose of this Chapter. A private residence is not a "PUBLIC PLACE" unless it is used as a childcare, adult day care, or health care facility.

PART II: REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective, which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance, are hereby repealed only to the extent of any such conflict.

PART III: SEVERABILITY

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

PART IV: COMPLIANCE WITH TEXAS OPEN MEETINGS ACT

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

PART V: EFFECTIVE DATE

This Ordinance shall be in force and effect upon passage and approval.

PASSED AND APPROVED THIS 18th DAY OF NOVEMBER 2019.

Carl Law, Mayor
City of Burkburnett, Texas

ATTEST:

Margie Poole, City Clerk