

SECTION 1: Definitions

- A.) Smoke or Smoking** means the act of burning any tobacco product, weed, filler, or plant of any kind in a cigarette, cigar, pipe or in any other smoking equipment, or device.

SECTION 2: Smoking/Non-Smoking Areas Designated

It shall be unlawful to smoke within any structural area of any City owned and operated facility, including, but not limited to offices, restrooms, break rooms. These facilities include:

- A.) City Hall Administrative Offices** – Located at 1585 Maria St., Hawk Cove, Texas.
- B.) Hawk Cove Police Department And Municipal Court Offices** – Located at 1585 Maria St., Hawk Cove, Texas.
- C.) If any facility is constructed which is City owned and operated, the same prohibitions with regard to smoking shall apply.**

The following are hereby declared to be a place in which smoking shall be lawful at all times:

- A.) Designated area outside City Hall Administrative Offices** – Located at 1585 Maria St., Hawk Cove, Texas.

SECTION 3: City Administrator To Post No-Smoking Signs

The City Administrator is hereby authorized to affix, and prominently display "No Smoking" signs in any public place in which smoking is prohibited, and no such regulation shall be effective unless such signs are in place.

to exceed \$2000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

SECTION 4

Savings Clause. All rights and remedies of the City of Hawk Cove, Texas are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5

Cumulative Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Hawk Cove, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6

Severability Clause. 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 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7

Repealer Clause. Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 8

Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hawk Cove, Texas, on this the _____ day of _____, 2004.