

ORDINANCE NO. 086-039

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE NO SMOKING ORDINANCE, ARTICLE XI, CHAPTER 5 OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON TO DELETE SECTION 2 AND TO ADD SEC. 5-279, OWNERS', OPERATORS', MANAGERS' AND EMPLOYEES' RESPONSIBILITIES; PROVIDING FOR PENALTIES; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the citizens of Addison have demonstrated a desire that owners, operators, managers and employees of establishments wherein smoking is prohibited be responsible for informing violators of Addison's No Smoking Ordinance, Article XI, Chapter 5 of the Code of Ordinances of Addison, Texas, and to notify the Addison Police Department for continued noncompliance; and

WHEREAS, application was made to amend the No Smoking Ordinance of the Town of Addison, Texas, the case having come before the City Council after all legal notices, requirements, conditions and prerequisites had been complied with;

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Article XI, Chapter 5 of the Code of Ordinances, Town of Addison, as amended, is hereby amended by deleting Section 2.

SECTION 2. That Article XI, Chapter 5 the Code of

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Ordinances, Town of Addison, as amended, is hereby amended by adding Sec. 5-279, Owners', Operators', Managers' and Employees' Responsibilities, to read:

Sec. 5-279. Owners' Operators', Managers' and Employees' Responsibilities. The owner, operator, manager or employee of an establishment wherein smoking is prohibited, or any section or area thereof wherein smoking is prohibited, shall be required to orally inform persons violating this ordinance of the provisions thereof ("violator"). The duty to inform such violator shall arise when such owner, operator, manager or employee of same becomes aware of such violation. If the violator continues to violate this ordinance after requested to cease smoking in a prohibited area, it shall then become the responsibility of the owner, operator, manager or employee to immediately notify the Addison Police Department and to file a complaint against the violator within ten (10) days of the incident in Addison Municipal Court. Any such owner, operator, manager or employee who knowingly violates the provisions of this article when such duty arises as herein described shall be subject to the penalties provided for in Section 5-278(1).

SECTION 3. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the No Smoking Ordinance Sec. 5-278(1) of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred and no/100 Dollars (\$500.00) and not less than Fifty and no/100 Dollars (\$50.00) for each offense, and each day such violation continues shall constitute a distinct and separate offense.

SECTION 4. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby

repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 6. The fact that the present Code does not provide for owners', operators', managers' and employees' responsibilities creates an urgency, an emergency and an imperative public necessity, and is therefore inadequate to properly safeguard the general public, health and safety, and therefore the ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

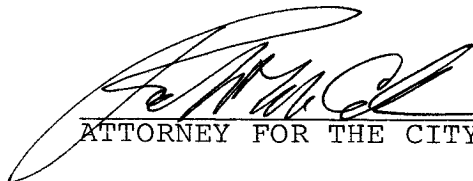
DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 22nd day of April, 1986.


MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY SECRETARY


ATTORNEY FOR THE CITY