

ORDINANCE NO. 088-011

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, ADDING DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR EMPLOYER WORKPLACE REQUIREMENTS; PROVIDING FOR A WORKPLACE PROHIBITION; PROHIBITING SMOKING IN CERTAIN AREAS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison recognized the hazards of Second-Hand Smoke by passing an ordinance on February 25, 1986, which regulated smoking in certain public places; and

WHEREAS, a significant degree of involuntary exposure to Second-Hand Smoke occurs in the Workplace; and

WHEREAS, the Town of Addison recognizes that Second-Hand Smoke in the Workplace is one of many toxins affecting the health of its citizens; and

WHEREAS, there is no current ordinance protecting individuals from involuntary exposure to Second-Hand Smoke in the general Workplace; and

WHEREAS, although failure to comply with an ordinance regulating smoking in the general Workplace would be punishable by a fine, the goal of the Town of Addison in enacting this ordinance is to work in cooperation with affected businesses toward public

awareness and voluntary compliance; and

WHEREAS, the citizens of Addison have demonstrated a desire voluntarily to comply with City ordinances which protect public health, NOW, THEREFORE,

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

SECTION 1. That Chapter 5 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to amend Sec. 5-273 by adding the following definitions:

Sec. 5-273. Definitions.

(7) "Employee" means any Person who works for hire at a designated Workplace including an independent contractor with an assigned Workplace.

(8) "Employer" means any Person who employs eleven (11) or more Employees.

(9) "Person" means an individual, firm, partnership, association or other legal entity.

(10) "City" or "Town" means the Town of Addison, Texas.

(11) "Second-Hand Smoke" means ambient smoke resulting from the act of smoking.

(12) "Workplace" means any indoor area where an Employee works for an Employer, including an administrative area but excluding:

(a) a domestic residence;

(b) a factory or warehouse where smoking is regulated by another City ordinance or a state or federal law;

(c) an enclosed room with only one regular occupant; or

(d) an area open to the public and regulated by other sections of this Article.

SECTION 2. That Chapter 5 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to amend Sec. 5-278 to read as follows:

Sec. 5-278. Penalties.

(1) Any Person violating Sec. 5-274(b), 5-274(c), 5-275, 5-276 or 5-280, upon conviction, is punishable by a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00).

(2) Any Person violating Sec. 5-274(a), 5-277 or 5-282, upon conviction, is punishable by a fine of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00).

SECTION 3. That Chapter 5 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Secs. 5-280 through 5-282 to read as follows:

Sec. 5-280. Employer Workplace Requirements.

An Employer who owns, occupies, or controls a Workplace shall:

(1) have and implement a written policy on smoking that:

(a) conforms to this chapter;

(b) reasonably accommodates the interests of both smokers and nonsmokers but minimizes the involuntary exposure of nonsmokers to Second-Hand Smoke;

(c) prohibits smoking in the Workplace, except private enclosed offices and specifically designated smoking areas; and

(d) establishes a procedure for addressing Employee complaints;

(2) provide conspicuous signage indicating nonsmoking areas;

(3) not discharge, retaliate or discriminate against any Employee who:

(a) files a complaint or causes any proceeding to be instituted under or related to this chapter;

(b) testifies or will testify in any proceeding instituted under this chapter; or

(c) exercises on his own behalf or the behalf of others any right afforded by this chapter; and

(4) not be responsible for fines assessed against an Employee for violation of Sec. 5-282 of this chapter.

Sec. 5-281. Workplace Prohibition

Nothing in this chapter shall prohibit an Employer from designating an entire Workplace as nonsmoking.

Sec. 5-282. Smoking Prohibited.

A Person commits an offense if he smokes or possesses a burning tobacco, weed or other plant product in an area designated as nonsmoking pursuant to Sec. 5-280(1)(c).

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. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Five Hundred and no/100 Dollars (\$500.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 7. This Ordinance shall take effect on August 1, 1988.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 9th day of February, 1988.

APPROVED:

  
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MAYOR

ATTEST:

  
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CITY SECRETARY