

ORDINANCE NO. 2012-01

**AN ORDINANCE BY THE CITY OF WHITE OAK, TEXAS, AMENDING CHAPTER 54, ENTITLED "PARKS AND RECREATION", BY THE ADDITION OF SECTION 54-59 RELATING TO CERTAIN SMOKE FREE PARKS AND PARK FACILITIES; PROVIDING FOR THE PLACEMENT OF SIGNS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of White Oak is concerned about the impact of the use of tobacco products in public places where adults and children gather for the purpose of enjoying parks and recreation in White Oak; and

WHEREAS, it is a generally accepted principle that the use of cigarettes, second-hand smoke and other tobacco products constitute a hazard to a person's health; and

WHEREAS, the City Council desires to prohibit the smoking of tobacco products in certain public places to protect the public's health; and

WHEREAS, the City Council deems the adoption of this Ordinance to be in the best interests of the health, safety, and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE OAK, TEXAS:**

**Section 1:** That all matters stated hereinabove are found to be true and correct and are incorporated herein by references as if copied in their entirety.

**Section 2:** That the White Oak Code of Ordinances, Chapter 54, entitled "Parks and Recreation" be amended to include Section 54-59 entitled "Smoke Free Parks and Park Facilities" and to be read as follows:

(a) Except in areas so designated, it shall be unlawful for any person to smoke tobacco at any parks or parks facility owned or leased by the City of White Oak.

(b) The City Coordinator or his designee is authorized to post signs giving notice that smoking is prohibited in such park or park facility; provided however, the City Coordinator may designate, by appropriate signage, specific areas within any such park or park facility where the smoking of tobacco is allowed.

**Section 3:** That any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00) for each offense and a separate offense shall be deemed committed each day or on which an offense occurs or continues.

**Section 4:** That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.



**Section 5:** This Ordinance shall become effective from and after the date of its passage and publication.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of White Oak, Texas, on this 10<sup>th</sup> day of January, 2012



RICK MAY, MAYOR  
CITY OF WHITE OAK, TEXAS

ATTEST:

  
  
SHERRY ROBERTS, TRMC  
CITY SECRETARY