

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 6 "HEALTH AND SANITATION" ARTICLE 6-7 "TOBACCO PRODUCTS"; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS NOTICED AND WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AND DECLARING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That the Odessa City Code Chapter 6 "Health and Sanitation" Article 6-7 "Tobacco Products" is hereby amended as follows:

Chapter 6

HEALTH AND SANITATION

ARTICLE 6-7

TOBACCO PRODUCTS AND E-CIGARETTES

Division 2

Use in City Buildings and Parks

§ 6-7-32 Use prohibited; posting of signs.

(a) It shall be unlawful for any person to use tobacco products or e-cigarettes in a city building or within fifty (50) feet of entrances, exits, or wheelchair ramps serving any entrance or exit, operable windows, and ventilation systems of any city building. Signs shall be posted at each entrance to the city building in English and in Spanish prohibiting use of tobacco products or e-cigarettes. Ashtrays, containers, or other facilities for the containment of tobacco products shall be provided at convenient locations outside each city building so that persons attempting to bring tobacco products into the building can easily discard them.

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity

of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That any person violating the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Odessa City Code Section 1-1-9 “General Penalty”.

Section 4. That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Odessa as provided by City Charter Section 65.

Section 5. That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter Sections 61 and 65.

The foregoing ordinance was first approved on the 14th day of May, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 28th day of May, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 28th of May, A.D., 2024.

Javier Joven, Mayor

ATTEST:

Norma Aguilar, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney