

Ordinance No. 2025-05
Village of Salado
County of Bell
January 2, 2025

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, TO ESTABLISH REGULATIONS OF SMOKING AND PROVIDE THE PENALTY FOR THE VIOLATION HEREOF; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas local government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

WHEREAS, a substantial body of evidence including numerous studies demonstrates that tobacco smoke, including second hand smoke (also known as environmental tobacco smoke) is a positive danger to the health of and a material annoyance, inconvenience, discomfort, and health hazard to those who are within the vicinity of tobacco smoking;

WHEREAS, the Board desires to establish regulations governing smoking within the village in order to protect the health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Smoking Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2025-05 is hereby adopted as follows:

A. Definitions

For the purposes of this Ordinance, the following words, terms, and derivations thereof shall have the meanings given herein.

Business means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, dental, medical, engineering, architectural, or other professional services are delivered.

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette, e-cigar, or e-pipe, or under another product name or description.

Smoke means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, including from an E-cigarette, when the purpose of combustion, electrical ignition, or vaporization is human inhalation of the gases, particles, or vapors. Smoke does not mean the combustion of material solely for olfactory purposes that does not contain any tobacco or nicotine.

B. Prohibition of smoking in certain outdoor areas

Smoking shall be prohibited in the following outdoor places:

- (1) Within a reasonable distance of twenty-five (25) feet outside of entrances, operable windows, and ventilation systems of a business or Village-owned facility in order to ensure that smoke does not enter those areas;
- (2) In and within twenty-five (25) feet of all outdoor sports arenas, stadiums, fields, and amphitheaters; and
- (3) In and within twenty-five (25) feet all pavilions and playgrounds located within Village owned parks.

C. Penalty

Any person, firm, corporation, agent, employer, or employee thereof who intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$500.00 for each offense.

SECTION III. RESERVATION OF RIGHTS

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance of the Village which existed 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, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION IV. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VIII. NOTICE AND MEETING CLAUSE

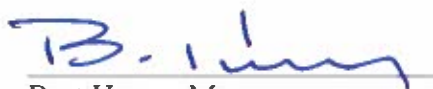
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting

was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION IX. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the 2nd day of January, 2025, by a vote of _____(ayes) to _____(nays) and _____abstentions vote of the Board of Aldermen of the Village of Salado, Texas.


Bert Henry, Mayor

ATTEST:


Debbie Bean, Village Secretary