

AN ORDINANCE **2012-01-19-0031**

AMENDING CHAPTER 36, OF THE CITY CODE OF SAN ANTONIO, TEXAS ENTITLED "SMOKING," TO INCLUDE THE PROHIBITION OF SMOKING ALONG FIESTA PARADE ROUTES BEGINNING WITH PARADES IN 2012, ESTABLISHING PENALTIES AND FINES FOR VIOLATIONS, AND PROVIDING FOR PUBLICATION.

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WHEREAS, in August 2010, the City revised the smoking ordinance to ensure San Antonio meets national standards to be designated as a Smoke-Free city; and

WHEREAS, Fiesta contains three parades, along with many other events over a 10-day period; and

WHEREAS, the adverse health effects of secondhand smoke are well known, and the Fiesta parades are the largest public events in San Antonio; and

WHEREAS, in 2010, the City along with the Fiesta Commission established a pilot program for one Tobacco and Alcohol Free Zone (TAF zone) with 393 seats along the street parade routes and expanded the program to two TAF Zones in 2011 with 1820 seats; and

WHEREAS, this ordinance will prohibit smoking along the entire parade routes for the Battle of Flowers Parade and Fiesta Flambeau Parade, in all paid and unpaid seating areas located within the public right of way, or on other City property; and

WHEREAS, this ordinance will also prohibit smoking in paid seating along the Texas Cavalier's River Parade route, but will not affect smoking in outdoor patio seating for restaurants and bars along the Riverwalk where smoking is presently allowed by the smoking ordinance; and

WHEREAS, by enacting a smoking ban along the parade routes, the City will improve the health and safety of residents and visitors attending these large events; and

WHEREAS, the City has met with Fiesta officials and the Fiesta Commission regarding this initiative and parade organizers are in full support of this effort to enhance community health and wellness; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 36-6 of the current Chapter 36 entitled "Smoking" of the City Code of San Antonio, Texas, is amended by adding language that is underlined (added) and deleting language that is stricken (~~deleted~~) to the existing text as follows:

Sec. 36-6. – Prohibition of Smoking in Outdoor Areas.

Smoking shall be prohibited in the following outdoor places:

- (1) San Antonio Zoo facilities and grounds;
- (2) In all outdoor sports arenas, stadiums, and amphitheaters;

- (3) In, and within 20 feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the city; ~~and~~
- (4) In all pavilions and playgrounds located within city-owned parks;
- (5) Within the public right of way and any seating located within the public right of way or on other city-owned property along the entire parade route of the Fiesta Battle of Flowers Parade and the Fiesta Flambeau Parade for a period beginning two hours before the start of each parade until one hour after the conclusion of each parade. This prohibition will not apply to private property; and,
- (6) Within the public right of way and all seating within the public right of way, or on other city-owned property along the entire parade route of the Texas Cavaliers River Parade for a period beginning two hours before the start of the parade until one hour after the conclusion of said parade. This prohibition will not apply to those areas where smoking is permitted under Section 36-7(3) or to any other private property.

SECTION 2. All other provisions of Chapter 36 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 3. A violation of this ordinance is subject to the penalties and provisions of Chapter 36, Section 36-13 entitled "Violations and Penalties" of the City Code of San Antonio, Texas.

SECTION 4. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 5. The City Clerk of the City of San Antonio is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 6. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

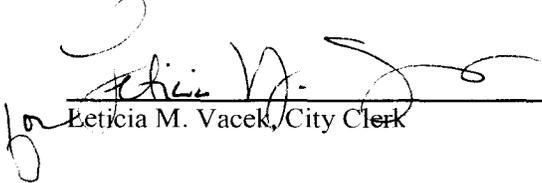
SECTION 7. Penalties provided for in this Ordinance shall be effective five (5) days after publication by the City Clerk of the City of San Antonio.

PASSED AND APPROVED this 19th day of January, 2012.



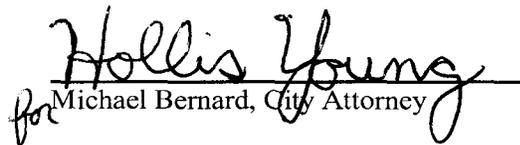
M A Y O R
Julián Castro

ATTEST:

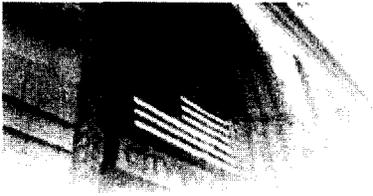


Elicia M. Vacek, City Clerk

APPROVED AS TO FORM:

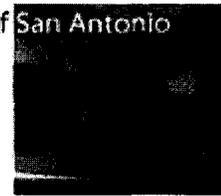


for Michael Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 17

Name:	17						
Date:	01/19/2012						
Time:	11:59:38 AM						
Vote Type:	Motion to Appr w Cond						
Description:	An Ordinance amending Chapter 36 of the San Antonio Municipal Code to require smoke-free areas within the public right of way, and any seats within the public right of way or on city property, along the parade routes during the Fiesta Cavaliers' River Parade, Fiesta Battle of Flowers Parade and Fiesta Flambeau Parade, with the exception of leased patio space along the River Parade route. [Pat DiGiovanni, Deputy City Manager; Jim Mery, Interim Director, Downtown Operations]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x			x	
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				x