MH/vv
11/19/15
Item #13

AN ORDINANCE 2015-11-19-0966

AMENDING CHAPTER 36, OF THE CITY CODE OF SAN ANTONIO, TEXAS ENTITLED "SMOKING," TO DESIGNATE MAIN PLAZA AND PORTAL SAN FERNANDO AND TRAVIS PARK GROUNDS AS SMOKE-FREE PUBLIC PLACES; AND PROVIDING FOR CRIMINAL PENALTIES AND PUBLICATION.

* * * * *

WHEREAS, the City of San Antonio's current smoking ordinance was revised on August 19, 2010 to meet national standards for a municipality to be designated as "Smoke Free" city; and

WHEREAS, the current ordinance prohibits smoking at some outdoor venues some of which include the San Antonio Zoo facilities and grounds and all outdoor sports arenas, stadiums and amphitheaters; and

WHEREAS, the City of San Antonio has a management agreement with the Main Plaza Conservancy (MPC), a non-profit organization, to oversee programming and maintenance within Main Plaza; and

WHEREAS, earlier this year, the MPC submitted a letter to the City requesting the prohibition of smoking on Main Plaza and Portal San Fernando grounds, a request which the San Fernando Cathedral supports; and

WHEREAS, in addition to musical performances, farmers markets, movie nights, and special events, Main Plaza features "San Antonio-The Saga" a video art installation on the façade of the San Fernando Cathedral; and

WHEREAS, Travis Park was recently revitalized with improvements including new bus shelters, electrical upgrades, a bike share station, renovation of original antique cannons, new furnishings and amenities for park users, and infrastructure, maintenance and landscaping improvements; and

WHEREAS, Travis Park activities appeal to all ages and include lunch with food trucks, weekly fitness classes, seasonal movies in the park, monthly music events as well as annual events; and

WHEREAS, ongoing quality programming at Main Plaza and Travis Park attracts thousands of residents and visitors each year; and

WHEREAS, prohibition of smoking at these venues would reduce the exposure of adults and children to the adverse health effects of secondhand smoke; **NOW THEREFORE:**

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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 twenty (20) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the city;

(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 (2) 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 (2) 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 subsection 36-7(3) or to any other private property~~.~~ ;

(7) Main Plaza and Portal San Fernando grounds; and

(8) Travis Park.

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 penalties and provisions of Chapter 36, Section 36-13 entitled "Violations and Penalties" of the City Code of San Antonio, Texas.

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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 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 days after publication by the City Clerk.

PASSED AND APPROVED this 19th day of November, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda Acting, City Attorney

Agenda Item:	**13 (in consent vote: 5, 6, 7, 8, 9A, 9B, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26A, 26B)**
Date:	11/19/2015
Time:	09:11:03 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 36, Smoking Ordinance, of the City Code of San Antonio, Texas to designate Main Plaza and Portal San Fernando and Travis Park grounds as smoke-free public spaces; and providing for criminal penalties and publication. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				