

ORDINANCE NO. 2025-O-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 15, "HEALTH AND SANITATION," ARTICLE VI "NO SMOKING IN PUBLIC PLACES" OF THE CODE OF ORDINANCES, UPDATING SECTION 15-78 "DEFINITIONS", AND SECTION 15-80 "DESIGNATION OF SMOKING AREA" PROVIDING PROTOCOLS FOR REQUIRED SIGNAGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Laredo recognizes the harmful effect of tobacco smoke and electronic (e-cigarette) vapor on the health and well-being of its residents; and

WHEREAS, secondhand smoke and secondhand vapor have been shown to cause significant health risks, including respiratory and cardiovascular diseases, to non-smokers, particularly children, the elderly, and individuals with pre-existing health conditions; and

WHEREAS, the City of Laredo is committed to promoting a healthy, safe, and clean environment for all residents.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Chapter 15, "Health and Sanitation." Article VI "No Smoking in Public Places" of the City of Laredo Code of Ordinances, is hereby amended as follows:

ARTICLE VI. – NO SMOKING IN PUBLIC PLACES

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Sec. 15-78 – Definitions.

For the purpose of this article the following definitions shall apply:

- (1) Bar means any area devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the serving of alcoholic beverages. Although a restaurant may contain a bar, the term "bar" shall not include the dining area.
- (2) Business means any sole proprietorship, 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 offices where legal, medical, dental, engineering, architectural, or other professional services are delivered.
- (3) Child care facility means any licensed nursery, day care center, preschool, or other facility engaged in the practice of providing care for children. A private residence is not a child care facility, except during those hours and in those portions of the residence when it is being used as a business for the purpose of providing care for children.

- (4) Dining area means any area containing a counter, booths or tables upon which food is served.
- (5) Educational facility means any day care center, nursery school, elementary school, middle school, junior high school, senior high school, vocational school, special education center, college or university.
- (6) Electronic Smoking Device (ESD) means any electronic device that delivers vaporized or aerosolized substances to the user, including but not limited to e-cigarettes, e-cigars, e-hookahs, vape pens, and other similar devices, regardless of whether they contain nicotine or are marketed for the use of any substance.
- (7) Employee means any person who is employed in consideration for monetary compensation or profit.
- (8) Employer means any person, partnership, corporation, association or other entity that employs one or more persons.
- (9) Enclosed area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways) that extend from floor to ceiling where smoking is not permitted.
- (10) Health care facility means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions.
- (11) Food establishment means any area which prepares meals or serves food or beverages, regardless of whether or not the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to: restaurants, coffee shops, cafeterias, shortorder cafes, fast-food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food-vending vehicles, and catering establishments but shall not include any portion of that establishment that constitutes a "bar".
- (12) Place of employment means any enclosed indoor area under the control of the employer to which employees have access during the course of employment, including but not limited to work areas, employee lounges, employee restrooms, conference rooms, and employee cafeterias; as well as, a minimum of ten (10) feet from the entrance to the establishment. A private residence is not a "place of employment" unless it is used as a child care or health care facility as defined herein.
- (13) Private place means any enclosed area to which the public is not invited or in which the public is not permitted, including, but not limited to, personal residences, private social clubs or personal automobiles. A privately-owned business, open to the public, is not a "private place."
- (14) Public place means any enclosed indoor area in which the public is permitted or that may be used by the general public and includes, but is not limited to, banks, stores, offices and other commercial establishments, restaurants, public and private institutions of higher education, and child care and health care facilities. A private residence is not a "public place".
- (15) Restaurant means any coffee shop, cafeteria, food stand, private- and public-school cafeteria, and any other eating establishment that gives or offers for sale food to the public, guests or employees, except that the term "restaurant" shall not include a "bar" as defined herein.
- (16) Service line means any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

- (17) Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or any form. Smoking also includes the use of Electronic Smoking Devices (ESDs) as defined herein.
- (18) Sports arena means any enclosed or unenclosed sports pavilion, gymnasium, health spa, swimming pool, roller or ice rink, bowling alley, boxing arena, tennis courts, and any other similar public place where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events, including, but not limited to, the following activities: baseball, football, basketball, hockey, soccer, tennis, boxing, swimming, wrestling, volleyball, gymnastics, handball, weightlifting, martial-arts-related sports, rodeo or track and field games.
- (19) Tobacco specialty retail shop means any freestanding retail store or retail store equipped with a heat ventilation-air conditioning system or contrivance for introducing fresh air or expelling foul air sufficient to keep adjoining businesses from being affected by smoke or its related odors utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (Ord. No. 2006-O-073, § 1, 4-3-06; Ord. No. 2011-O-057, § 2, 5-16-11)

Sec. 15-80 - Designation of smoking area.

(a) General criteria for designated smoking area. The owner, manager or any person who operates or otherwise controls the use of any premises subject to this article shall have appropriate conspicuously posted signs clearly stating smoking is prohibited and will use international symbols which are clearly visible to patrons in or entering the premises constituting a public place as defined in this article. Any such designated smoking area shall also include signage explicitly prohibiting the use of Electronic Smoking Devices (ESDs), consistent with restrictions on smoking and comply with Definitions, section 15-78; and Smoking in public places, section 15-79; and meet the following criteria:

- (1) All ashtrays and other smoking paraphernalia shall be limited in facilities to that required for the enforcement of extinguishing of smoking materials in public places.
- (2) If outside, the smoking area must be no less than ten (10) feet from the entrance to facilities and establishments, and no less than five (5) feet from the door of the establishment that leads to a patio.

(b) Required signs.

- (1) Conspicuous "Smoking is Prohibited" signs shall have bold lettering of not less than one (1) inch in height. The international "no-smoking" symbol should also be used (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).
- (2) In addition to the traditional "No Smoking" signage requirements, establishments shall also include the symbol for Electronic Smoking Devices (ESDs). This symbol shall consist of a pictorial representation of an ESD enclosed in a red circle with a red bar across it, placed alongside the traditional cigarette icon. These combined icons must be clearly visible.
- (3) ~~Failure to maintain appropriate signs as required herein shall result in an offense punishable by a fine of not less than fifty dollars (\$50.00) and no more than two hundred dollars (\$200.00). Each day that a violation continues shall constitute a separate offense. All required signs must be conspicuously posted at every entrance to public places and places of employment where smoking is prohibited. Failure to display compliant signage~~

shall result in a fine of no less than fifty dollars (\$50.00) and no more than two hundred dollars (\$200.00). Each day of noncompliance constitutes a separate offense.

(Ord. No. 2006-O-073, § 1, 4-3-06)

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

Section 5. That after its passage by City Council, this Ordinance shall be published one (1) time and become effective not less than sixty (60) days from the date of the public hearing on this Ordinance, in accordance with the City Charter.

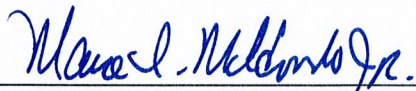
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS

3rd DAY OF March, 2025.



DR. VICTOR D. TREVINO
MAYOR

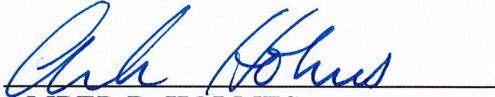
ATTEST:



MARIO I. MALDONADO JR.
CITY SECRETARY



**APPROVED AS TO FORM
DOANH T. NGUYEN, CITY ATTORNEY**



**AMBER R. HOLMES
ASSISTANT CITY ATTORNEY**

City of Laredo

Legislation Details (With Text)

File #:	2025-O-28	Version:	1
Type:	Final Readings	Status:	Agenda Ready
File created:	2/19/2025	In control:	City Council
On agenda:	3/3/2025	Final action:	
Title:	An Ordinance of the City Council of the City of Laredo, Texas, amending Chapter 15, "Health and Sanitation," Article VI "No Smoking in Public Places" of the Code of Ordinances, updating Section 15-78 "Definitions", and section 15-80 "Designation of Smoking Area" providing protocols for required signage; providing a severability clause; providing a savings clause; and providing for an effective date.		
Sponsors:			
Code sections:			
Attachments:	1. 2025-O-28		

Date	Ver.	Action By	Action	Result
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SUBJECT

An Ordinance of the City Council of the City of Laredo, Texas, amending Chapter 15, "Health and Sanitation," Article VI "No Smoking in Public Places" of the Code of Ordinances, updating Section 15-78 "Definitions", and section 15-80 "Designation of Smoking Area" providing protocols for required signage; providing a severability clause; providing a savings clause; and providing for an effective date.

PREVIOUS COUNCIL ACTION

On February 18, 2025, Council approved Introductory Ordinance 25-242.

BACKGROUND

The City of Laredo recognizes the harmful effect of tobacco smoke and electronic (e-cigarette) vapor on the health and well-being of its residents. Secondhand smoke and secondhand vapor have been shown to cause significant health risks, including respiratory and cardiovascular diseases, to non-smokers, particularly children, the elderly, and individuals with pre-existing health conditions. The City of Laredo is committed to promoting a healthy, safe, and clean environment for all residents.

COMMITTEE RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends that Council approve the Ordinance.

Fiscal Impact

Fiscal Year: 2025
Budgeted Y/N?: N
Source of Funds: N/A
Account #: N/A
Change Order: Exceeds 25% Y/N: N/A

FINANCIAL IMPACT:

N/A