

AN ORDINANCE **97990**

REVISING CITY CODE CHAPTER 36 ("SMOKING"), SECTION 36-1 ("DEFINITIONS"), PARAGRAPH 9 ("ENCLOSED DINING AREA").

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WHEREAS, Ordinance No. 97895, passed on August 7, 2003 revised City Code Chapter 36, entitled, "Smoking" to make necessary changes regulating smoking in certain establishments within the City of San Antonio; and

WHEREAS, the definition of "Enclosed Dining Area" in Ordinance No. 97895 includes having a solid wall or window enclosure on all sides except that up to fifty percent (50%) of one wall could be open to an adjoining room; and

WHEREAS, it is the intent of the City Council to amend the foregoing definition to require enclosed dining areas to be fully enclosed, except for doorways; **NOW THEREFORE:**

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

SECTION 1. Chapter 36 of the City Code of the City of San Antonio, Section 36-1, Paragraph 9 is hereby revised to read as follows, whereby deleted language is signified by strikethrough and is bracketed:

Section 36-1. Definitions.

9. "Enclosed Dining Area" means all space in a restaurant between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling[, ~~except up to fifty percent (50%) of one wall may be open to an adjoining room~~]. The enclosed dining area may not exceed twenty percent (20%) of the restaurant's total floor space.

SECTION 2. The City Clerk of the City of San Antonio, Texas, is hereby directed to publish this ordinance in a newspaper published in the City of San Antonio, Texas as authorized by Article II, Section 17 of the Charter of the City of San Antonio.

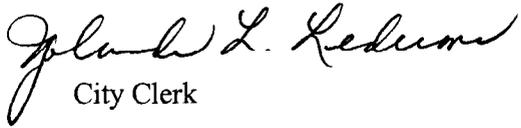
SECTION 3. This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 14th day of August, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney