

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

AN ORDINANCE

PROHIBITING SMOKING WITHIN OR ALONG THE PARADE ROUTE DURING THE FIESTA PARADES.

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WHEREAS, the Fiesta celebration contains two parades, along with many other events throughout the 10-day festival; and

WHEREAS, in 2010 and 2011, Fiesta parades included Tobacco and Alcohol Free Zones (TAF zone); and

WHEREAS, in 2010, the City along with the Fiesta Commission established a pilot program for one TAF zone with 393 seats; and

WHEREAS, this effort continued into 2011 with an extension of two locations and 913 seats; and

WHEREAS, this ordinance will prohibit smoking along the entire parade route including paid and non-paid seating areas, and a 50 feet perimeter; and

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

WHEREAS, by enacting a smoking ban along the parade route, 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 regarding this initiative; and

WHEREAS, the Fiesta Commission 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; and
- (5) Along the entire parade route of the Fiesta Battle of Flowers Parade and the Fiesta Flambeau Parade. This prohibition extends to all paid and unpaid seating and to all the area within 50 feet of the edge of the parade route.

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 shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

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

PASSED AND APPROVED this _____ day of _____.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Michael Bernard, City Attorney