

AMENDED NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 2nd day of January, 2018, the governing body of the City of Hobbs proposes to adopt an ordinance amending Chapter 8.28.040 of the Hobbs Municipal Code described as follows:

AN ORDINANCE AMENDING CHAPTER 8.28.040 OF THE HOBBS MUNICIPAL CODE – SMOKING IN CITY-OWNED, CITY-OPERATED AND CITY-LEASED BUILDINGS

WHEREAS, the City Commission finds and declares that the smoking of tobacco, or any other weed or plant, including electronic vaping devices is a positive danger to health and a health hazard to those who are present in enclosed places and in areas in the close vicinity of entrances, windows and ventilation systems of city-owned buildings;

WHEREAS, the City Commission desires to amend its current smoking ordinance to include electronic vaping and similar devices;

WHEREAS, it is the City Commission's desire to protect the public health of its employees and citizens by amending its smoking ordinance to include electronic vaping devices in the smoking ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 8.28.040 of the Hobbs Municipal Code is hereby amended to read as follows:

8.28.040 – Smoking in City-owned, City-operated and City-leased buildings

- A. Definitions. For the purpose of this chapter, the following words or phrases shall have the meanings respectively ascribed to them by this section:
1. "City-owned building" means the interior area of any building owned, operated, or leased by the City including, but not limited to hallway, lounge, restroom and entryway airlock areas, in which the City employees occupy all or any portion of the building.
 2. "Smoke" or "smoking" means the carrying or holding of a lighted pipe, cigar or, cigarette of any kind, any electronic vapor device or any other lighted smoking equipment or the lighting or emitting or exhaling the

smoke or vapor of a pipe, cigar or, cigarette of any kind, or any electronic vapor device

B. Smoking Prohibited.

1. It is unlawful for any person to smoke in any City-owned building at any time.

2. Smoking is prohibited within twenty (20) feet of all entrances, windows and ventilation systems of all City-owned, buildings at any time.

C. No Smoking Signs. On all entrances to City-owned buildings, or in a position where the sign is clearly visible upon entry into a City-owned building, the City shall conspicuously post a sign using the words “no smoking or vaping” or the international no smoking symbol, or both.

D. Penalties. A person eighteen years of age or older who violates a provision of this chapter is subject to:

1. A fine not to exceed one hundred dollars (\$100.00) for the first violation of this chapter;

2. A fine not to exceed two-hundred dollars (\$200.00) for the second violation of this chapter within any consecutive twelve-month period of the first violation; and

3. A fine not to exceed five hundred dollars (\$500.00) for the third and each subsequent violation of this chapter within any consecutive twelve-month period of a previous violation.

A copy of the proposed ordinance in its entirety is available to interested persons during regular business hours in the office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

/s/Jan Fletcher
Jan Fletcher, City Clerk