

CITY OF LAVON, TEXAS
ORDINANCE NO. 2026-04-03

Regulating Smoking in Public Places

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING ARTICLE 7.03, “SMOKING, TOBACCO PRODUCTS, E-CIGARETTES, VAPING, AND RELATED PRODUCTS,” OF CHAPTER 7, “HEALTH AND SANITATION,” OF THE CODE OF ORDINANCES BY AMENDING THE DEFINITION OF SMOKING TO INCLUDE VAPING DEVICE ; PROVIDING A PENALTY CLAUSE FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Lavon (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council desires to clarify the definition of Smoking and Smoking Apparatus to specify Vape Device.

WHEREAS, considering the foregoing, the City Council now deems it advisable and necessary to enact regulations concerning smoking the City in order to protect the public health, safety and general welfare of the citizens of the City of Lavon.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are: (i) true and correct and are incorporated herein and made a part of this Ordinance for all purposes; and (ii) legislative findings of the City Council.

SECTION 2. FINDINGS. After due deliberation and consideration, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety, and welfare.

SECTION 3. AMENDMENT. Article 7.03, “Smoking, Tobacco Products, E-Cigarettes, Vaping, and Related Products”, of Chapter 7, “Health and Sanitation,” of the City’s Code of Ordinances Division 3, “Smoking Regulations,” Section 7.03.062 “Definitions” is hereby amended as follows:

“Division 3 **Smoking Regulations**

§ 7.03.062 **Definitions.**

Smoking. The use or operation of a smoking apparatus, including, but not limited to, carrying a lit cigarette, a vaping device, or other item which generates secondhand smoke or vapor for any period of time. A person that holds or operates any smoking apparatus which generates secondhand smoke

is deemed to be smoking, without regard to whether that person inhales any of the generated material.

Smoking apparatus. Any item designed to atomize, combust, evaporate, generate, ignite, produce, vaporize, or otherwise emit any smoke, gas, or other matter for inhalation by a person, including but not limited to use of a cigar, cigarette, vaping device, hookahs, or pipe.

SECTION 4. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6. PENALTY. Any person, firm, corporation, or entity violating this Ordinance, as it exists or may be amended, shall be subject to the penalty provision described in added Section 10.08.005. Nothing in this Ordinance shall limit the remedies available to the City in seeking to enforce the provisions of this article or other law, and all remedies shall be cumulative and not exclusive.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 8. OPEN MEETING. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 21st day of April 2026.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary

