

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO 2005-D

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 95, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," SECTION 95.02 RELATIVE TO SMOKING IN PUBLIC BUILDINGS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 95, Section 95.02 of the Code of Cockrell Hill, Texas ("Code"), sets forth the limitations regarding smoking in public buildings; and

WHEREAS, the City Council of the City of Cockrell Hill finds that the ordinance should be amended; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 95, Section 95.02 of the Code to broaden the definition of tobacco products.

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

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Chapter 95, Section 95.02, is hereby repealed in its entirety and a new Section 95.02 shall be established and shall read as follows:

"§ 95.02 SMOKING IN PUBLIC BUILDINGS.

(A) Definitions:

1. Tobacco Product means:

- (a) a cigar;
- (b) smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;
- (c) chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing;
- (d) snuff or other preparations of pulverized tobacco; or
- (e) an article or product that is made of tobacco or a tobacco substitute and that is not a cigarette.

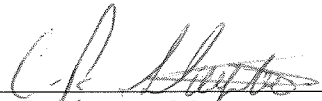
2. **City Property** means any property which is owned by the City of Cockrell Hill, Texas, and includes, but is not limited to, parks, city office and administration buildings, city vehicles and utility buildings.

- (B) The city secretary shall designate areas in the exterior of the municipal buildings to reasonably accommodate the interest of tobacco product users and shall permit the employees who wish to use a tobacco product reasonable relief from their work in order to do so.
- (C) A person commits an offense if the person uses a tobacco product on city property, unless in a designated area as specified in subsection (B) of this section.
- (D) Any person violating this section shall, upon conviction, be punishable by fine pursuant to section 10.99 of this Code.”

Section 3. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

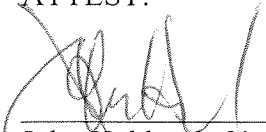
Section 4. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the ____ day of February, 2005.



C. P. Slayton, Mayor

ATTEST:



John Hubbard, City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2005 E

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS, ESTABLISHING A ONE PERCENT EXEMPTION FROM THE TOTAL AMOUNT OF AD VALOREM TAXES IMPOSED BY THE CITY ON THE RESIDENCE HOMESTEAD OF AN INDIVIDUAL, SUBJECT TO CERTAIN PROVISIONS; MAKING FINDINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cockrell Hill, located in Dallas County, Texas, is a Type A General Law Municipality under the laws of the State of Texas; and

WHEREAS, the City Council of the City of Cockrell Hill, Texas ("City Council") has the authority conferred by the Texas Tax Code Section 11.13, as amended, to exempt a designated amount of the appraised value of the residence homesteads of individuals from ad valorem taxes levied and to be levied by the City Council; and

WHEREAS, the City Council of the City of Cockrell Hill, Texas, finds and determines that such an exemption be granted to those who apply and qualify as provided in Texas Tax Code Section 11.13, and as determined by the Dallas County Appraisal District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS, THAT:

Section 1. All the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. All individuals who otherwise qualify for a residence homestead exemption shall receive an exemption of one percent (1%) of the total appraised value of the residence homestead subject to ad valorem taxation. If the exemption produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The individual shall file an application for said exemption with the Dallas County Appraisal District. For purposes of this Ordinance, the definition of the term "residence homestead" is identical to the definition of the same term as it appears in Texas Tax Code Section 11.13, as amended.

Section 3. The City Council of the City of Cockrell Hill, Texas, hereby grants an exemption to persons who qualify under the applicable provisions of the Texas Tax Code, Section 11.13, as amended, and that have filed an appropriate application with the Dallas County Appraisal District.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this ordinance or the application of the same to any entity or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this ordinance as a whole or any part or

provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Cockrell Hill, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Any provision of the Code of Ordinances of the City of Cockrell Hill in conflict with the provisions of this Ordinance is, and it is hereby, repealed and all other provisions of the Code of Ordinances of the City of Cockrell Hill not in conflict with this ordinance shall remain in full force and effect.

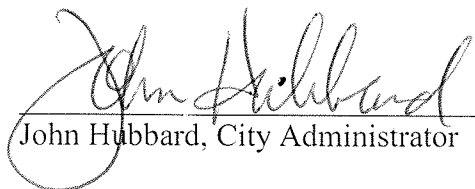
Section 6. This Ordinance shall become effective and be in full force and effect from and after the date of the passage in accordance with the provisions of State law.

PASSED AND APPROVED the 28 day of June, 2005.



C.P. Slayton, Mayor

ATTEST:



John Hubbard, City Administrator

APPROVED AS TO FORM:



Robert F. Brown, City Attorney