

Ordinance No. 26-024

An ordinance amending the “Health and Sanitation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article X, Regulation of Smoking, Section 10.01, Definitions, relative to the amendment of the definitions of “Bingo parlor”, “Health care facility”, “Smoke” and “Smoking”, the addition of the definitions of “Electronic smoking device” and “Hookah”, and the deletion of the definition of “Nursing Home”; Section 10.02, Smoking Prohibited – Public Places, Subsection (B)(1), Subsection (D)(1)(a), Subsections (E)(1)(a) and (b), Subsections (E)(2)(a)(1) and (2), and Subsection (F); the amendment of the title of Section 10.03, Posting of Signs, Placing of Receptacles and Public Address System Announcement Required, and Subsections 10.03(C) and (D); relative to including electronic smoking devices in certain definitions, removing and updating outdated terms and raising age minimums from 18 to 21 for signage to align with federal and state law, and clarifying responsible party terminology and requirements of the Smoking Ordinance relative to individuals in control of places and establishments open to the public; providing for a fine of up to \$2000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Health and Sanitation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended at **Article X, Regulation of Smoking, Section 10.01, Definitions**, by the amendment of the definitions of “Bingo parlor”, “Health care facility”, “Smoke” and “Smoking”, the addition of the definitions of “Electronic smoking device” and “Hookah”, and the **deletion** of the definition of “Nursing Home”, so that hereafter said definitions shall be and read as follows:

“Bingo parlor” shall mean a facility regulated under Texas Occupations Code chapter 2001- “Bingo Enabling Act”, as amended, that does not allow persons under the age of eighteen (18) years to enter the facility; does not employ persons under the age of eighteen (18) years; does not share a heating/ventilation/air conditioning system with another

establishment in which smoking is prohibited; and does not open into any other establishment in which smoking is prohibited under this Article.

“Electronic smoking device” shall mean any device that, through an aerosolized solution, delivers nicotine, flavor, or any other substance to the user inhaling from the device. The term includes but is not limited to an e-cigarette, e-hookah, e-cigar, e-pipe, dab rig or vape pen, and advanced refillable personal vaporizer.

“Health care facility” shall mean an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. The term includes, but is not limited to, all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Hookah” shall mean a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

“Smoke” shall mean the gases, particles, aerosol, or vapors released into the air as a result of inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, electronic smoking device, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic.

“Smoking” shall mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. The term includes, but is not limited to, the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any other oral smoking device.

Further, **Section 10.02, Smoking Prohibited – Public Places, Subsection (B)(1)**, is hereby amended so that said subsection shall be and read as follows:

1. Grounds of a hospital or health care facility;

Further, **Section 10.02, Subsection (D)(1)(a)**, is hereby amended so that said subsection shall be and read as follows:

- a. The smoker’s lounge shall not allow or employ persons under the age of twenty-one (21). Signs shall be conspicuously posted at all entrances of the smoker’s lounge which state: “**No One Under Age 21 Allowed.**”

Further, **Section 10.02, Subsections (E)(1)(a) and (b)**, are hereby amended so that said subsections shall be and read as follows:

- a. The stand alone tobacco shop shall not allow or employ persons under the age of twenty-one (21).
- b. Signs shall be conspicuously posted at all entrances of the stand alone tobacco shop which state: "No One Under Age 21 Allowed."

Further, **Section 10.02, Subsections (E)(2)(a)(1) and (2)**, are hereby amended so that said subsections shall be and read as follows:

- (1) The tobacco shop shall not allow or employ persons under the age of twenty-one (21).
- (2) Signs shall be conspicuously posted at all entrances of the tobacco shop which state: "**No One Under Age 21 Allowed.**"

Further, **Section 10.02, Subsection (F)**, is hereby amended so that said subsection shall be and read as follows:

- F. Choctaw Stadium. Smoking at Choctaw Stadium is allowed only at designated areas near the outer perimeter of the first level and upper concourse. When food kiosks are located in the smoking areas, smoking is prohibited in the kiosk line and within fifty (50) feet of the food kiosk. Signage must indicate that smoking is not permitted in a kiosk line or within fifty (50) feet of the food kiosk.

Further, **Section 10.03, Posting of Signs, Placing of Receptacles and Public Address System Announcement Required**, is hereby amended so that the **title** of said section shall be Responsibilities of Persons in Control of Places and Establishments.

Further, **Section 10.03, Subsection (C)**, is hereby amended so that said subsection shall be and read as follows:

- C. Public Address System Announcement. In those outdoor athletic facilities, theaters and amphitheaters where a public address system is used, the owner, manager, operator or person in control of an outdoor athletic facility, theater or amphitheater shall announce prior to each game or performance the prohibition of smoking in seating areas.

Further, **Section 10.03, Subsection (D)**, is hereby amended so that said subsection shall be and read as follows:

D. Offenses.

1. The owner, manager, operator, or person in control of a place, conveyance or establishment commits an offense if he or she fails to post signs and provide extinguishment facilities as required by this section.
2. The owner, manager, operator, or person in control of a place, conveyance or establishment commits an offense if he or she places or maintains facilities for the extinguishment of smoking materials in public areas other than as provided for in Subsection (B).
3. The owner, manager, operator, or person in control of an outdoor athletic facility, theater or amphitheater where a public address system is used, commits an offense if he or she operates such a facility without announcing or causing to be announced prior to each game or performance the prohibition of smoking in seating areas.
4. Allowing Others to Smoke.
  - a. The owner, manager, operator, or person in control of a public place where smoking is prohibited under Section 10.02 has a duty to prevent customers or other persons from smoking on the premises of the place.
  - b. The owner, manager, operator, or person in control of a public place where smoking is prohibited under Section 10.02 commits an offense if he or she allows a customer or other person to engage in smoking on the premises of the place.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent

or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on May 15, 2026.

PRESENTED AND GIVEN FIRST READING on the 7th day of April, 2026, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of April, 2026, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor

ATTEST:



  
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
MOLLY SHORTALL, City Attorney

BY  \_\_\_\_\_