Chapter 16

HEALTH AND SANITATION

ARTICLE I. IN GENERAL

Sec. 16-1. Spitting on sidewalks, crosswalks or floors of public buildings.

Secs. 16-2--16-6. Reserved.

ARTICLE II. BELL COUNTY HEALTH DEPARTMENT

Sec. 16-7. Bell County Health Department established.

Sec. 16-8. Bell County Board of Health--Created; memberships; appointment; term; ex officio members; vacancies; compensation.

Sec. 16-9. Same--Organization; meetings; quorums.

Sec. 16-10. Same--Functions.

Sec. 16-11. Bell county health department director; office centre; appointment; qualifications; duties and authority.

Sec. 16-12. Amendment, repeal of article; changes in offices, etc.

Sec. 16-13--16-19. Reserved.

ARTICLE III. BIRTHS AND DEATHS

Sec. 16-20. Reserved.

Sec. 16-21. Seal of registrar.

Sec. 16-22. Registration required.

Sec. 16-23. Reports by hospitals, doctors, etc.

Sec. 16-24. Records to be kept.

Sec. 16-25. Original certificates to be forwarded to state registrar.

Sec. 16-26. Fee for copies of certificates.

Sec. 16-27. Monthly reports to city council.

Sec. 16-28-16.29. Reserved.

ARTICLE IV. NEIGHBORHOOD NUISANCES

Sec. 16-30. Statutory Authorization.

Sec. 16-31. Designation of Official.

Sec. 16-32. Definitions.

Sec. 16-33. Public Health Nuisances.

Sec. 16-34. Responsibility to Abate Public Health Nuisances.

Sec. 16-35. Notice to Owner or Occupant to Comply.

Sec. 16-36. Citation.

Sec. 16-37. Abatement of Nuisance by City.

Sec. 16-38. Abatement of Recurring Nuisance Without Further Notice.

Sec. 16-39. Abatement of Dangerous Weeds Without Notice.

Sec. 16-40. Administrative Hearing Before the Health Official.

Sec. 16-41. Assessment of Expenses and Lien.

Sec. 16-44. Criminal Penalty.

ARTICLE V. RODENT CONTROL

DIVISION 1. GENERALLY

Sec. 16-49. Definitions.

Sec. 16-50. Business buildings to be ratproofed and rat-free.

Sec. 16-51. Ratproofing of nonbusiness buildings.

Sec. 16-52. Duty to ratproof business buildings upon notice from health officer.

Sec. 16-53. Duty to institute rat eradication measures at business buildings upon notice from health officer.

Sec. 16-54. Closing of business buildings providing rat harborage.

Sec. 16-55. Condemnation and destruction of unoccupied business buildings providing rat harborage.

Sec. 16-56. Maintenance of ratproof business building.

Sec. 16-57. Removal of ratproofing from business building; closing of new openings.

Sec. 16-58. Accumulations conducive to rat harborage.

Sec. 16-59. Storage and dumping of garbage and refuse affording food or harborage for rats.

Sec. 16-60. Storage of chicken and animal feed.

Sec. 16-61. Inspections to enforce article.

Sec. 16-62--16-66. Reserved.

DIVISION 2. MINIMUM REQUIREMENT FOR RAT-STOPPAGE IN BUSINESS BUILDINGS

Sec. 16-67. Application and scope of division.

Sec. 16-68. Approval of material and installation.

Sec. 16-69. Protective coating for required metal and wire cloth.

Sec. 16-70. Covering of foundation and exterior wall openings generally.

Sec. 16-71. Covering of foundation wall ventilator openings.

Sec. 16-72. Doors and door jambs and sills.

Sec. 16-73. Protection of windows, pipes, wires, etc.

Sec. 16-74. Protection of light wells with windows below ground level.

Sec. 16-75. Special requirements for buildings constructed on piers.

Sec. 16-76. Special requirements for curb or farmers' markets.

Sec. 16-77--16-85. Reserved.

ARTICLE VI. VENEREAL DISEASES

Sec. 16-86. Purpose of article; detention, examination, treatment of infected persons.

Sec. 16-87. Duties of members of police department.

Sec. 16-88. City health officer may enforce article provisions.

ARTICLE VII. SMOKING REGULATIONS

Sec. 16-89. Smoking prohibited in certain public areas.

Sec. 16-90. Affirmative defense.

Sec. 16-91. Posting of signs.

Sec. 16-92. Allowing smoking in prohibited places.

Sec. 16-93. Locations smoking is not prohibited.

Sec. 16-94. Enforcement.

Sec. 16-95. No duty or obligation.

Sec. 16-96. Effective date.

Sec. 16-97 – 16-107. Reserved.

ARTICLE VIII. TATTOO SHOPS

Sec. 16-108. Definitions.

Sec. 16-109. Tattooing Prohibited.

Chapter 16

HEALTH AND SANITATION

ARTICLE I. IN GENERAL

Sec. 16-1. Spitting on sidewalks, crosswalks or floors of public buildings.

It shall be unlawful for any person to spit upon any sidewalk, crosswalk, or the floor of any church, public hall, theater, railroad, depot, bus, or other public place in the city.

Secs. 16-2--16-6. Reserved.

ARTICLE II. BELL COUNTY HEALTH DEPARTMENT

Sec. 16-7. Bell County Health Department established.

A new Bell County Health Department organization is hereby established as follows.

Sec. 16-8. Bell County Board of Health--Created; memberships; appointment; term; ex officio members; vacancies; compensation.

(a) *Created.* There is hereby created a board of health for Bell County and each of the aforementioned cities to be known as the Bell County Board of Health, which board shall be composed of fifteen (15) members, all of whom shall be residents of the County of Bell.

(b) *Membership and appointment.* Three (3) of the members shall be appointed by the city council of Killeen; three (3) of the members shall be appointed by the city council of Temple; two (2) of the members shall be appointed by the commissioner's court of Bell County; two (2) of the members shall be appointed by the city council of Belton; and one each by the city councils of Rogers, Holland, Troy, Nolanville and Harker Heights. Not more than one of the members appointed by each governmental unit shall be a physician.

(c) *Term.* The term of office for each member shall be three (3) years except that of the members initially appointed. Five (5) shall serve for three (3) years, five (5) shall serve for two (2) years and five (5) shall serve for one year, to be determined by lot at the first meeting of the board. Thereafter their successors shall hold office for three (3) years. The members of the board of health may be reappointed at the end of their respective terms.

(d) *Ex officio members.* The county judge of Bell County, the director of the Bell County Health Department and the president of the Bell County Medical Society shall serve as ex officio members of the Bell County Board of Health without voting privileges, and shall act in an advisory capacity of the board.

(e) *Vacancies.* Upon the death, resignation or removal of any of the members of the Bell County Board of Health the governmental unit which had appointed said member shall

nominate and appoint a successor as a member of the board who shall then hold his membership until he shall resign or be removed from said board. In the event the best interest of any governmental units may require the removal of any member of the board, his removal shall be effected by the appointment of his successor by unanimous vote of the commission, council or court which appointed him.

(f) *Compensation.* No salary or compensation of any sort shall be paid to the members of the Bell County Board of Health for their services.

Sec. 16-9. Same--Organization; meetings; quorums.

Immediately after the enactment of this order by each governmental unit, the said Bell County Board of Health shall as soon thereafter as is practicable meet and organize and appoint one of its members as chairman, and one as vice chairman. The director of the Bell County Health Department shall serve as secretary to said board. Following the original meeting the Bell County Board of Health shall hold such regular meetings as such place and dates as may be determined by the board and such other special meetings as may be called by the chairman or by a majority of the members of the board upon giving twenty-four (24) hours' notice to all members thereof. A majority of the total membership of said board shall constitute a quorum for the transaction of all matters to be considered by said board.

Sec. 16-10. Same--Functions.

The functions of the Bell County Board of Health shall be as follows:

(1) The board shall serve in a supervisory capacity in the enforcement of the health laws, rules, and regulations of the State of Texas, Bell County and the several cities [and] to the director of the Bell County Health Department and shall make recommendations to the director, city councils and the commissioner's court of Bell County, named herein, concerning the status of public health matters in Bell County.

(2) It shall institute through the director, studies of any condition which may affect the life, health, or the preservation and improvement of health in Bell County.

(3) It shall be concerned with the elimination of causes of disease or peril to life or health, and shall make recommendations to the director concerning these matters.

(4) It shall make recommendations to the director and to other responsible officers concerning the elimination of nuisances and conditions detrimental to health.

(5) It shall make recommendations concerning the operations of public institutions insofar as health matters are concerned.

(6) It shall engage in an active program of health education.

(7) It shall act as a coordinating agency in providing adequate medical and dental care, and shall maintain a close working relation with the medical and associated professions, the nonofficial health agencies, lay organizations and individuals concerned with the promotion of public health.

(8) It shall make recommendations to such director and each governmental units concerning the needs and budget of such Bell County Health Department.

(9) A report of the activities and the financial conditions of the Bell County Health Department shall be made to any of the governmental units at such time as the summary be requested by any such governmental unit.

Sec. 16-11. Bell county health department director; office centre; appointment; qualifications; duties and authority.

(a) *Office created; appointment.* There is hereby created the office of Bell County Health Department Director and such officer shall be appointed jointly by the councils and commissioner's court that are parties to this agreement [article] upon recommendation by the County Board of Health from an approved list of qualified health officers furnished by the commissioner of health of the State of Texas Health Department.

(b) *Qualifications.* Such director shall be a currently licensed physician and also qualified in public health work. Such director shall be qualified under and shall conform to the merit system prescribed by the state board of health and shall devite such time as may be required to the performance of the duties of Bell County Health Department Director as necessary. Bell County Health Department Director shall not engage in the private practice of medicine.

(c) *Duties and responsibilities.* The director of the Bell County Health Department shall be in complete charge of all administrative and technical public health activities of the department and shall direct the personnel in the employ of the health department. The director shall appoint, discharge, or transfer all employees of the health department subject to the approval of the county board of health and such employees shall be thoroughly qualified to perform their respective duties.

Sec. 16-12. Amendment, repeal of article; changes in offices, etc.

This article shall be subject to amendment and repeal at any time by any governmental agency represented on this board and any office created hereby and the term of any officer holding same shall be subject to abolishment and termination at any time by joint action of the city councils of the cities of Temple, Rogers, Holland, Belton, Killeen, Harker Heights, Nolanville, Troy, and the commissioner's court of Bell County.

Sec. 16-13--16-19. Reserved.

ARTICLE III. BIRTHS AND DEATHS

Sec. 16-20. Reserved.

Sec. 16-21. Seal of registrar.

The seal of the registrar of births and deaths shall have the words "Registrar of Births and Deaths" around the rim thereof and the words "Temple, Texas" in the center. Such seal shall be procured by the city controller at the expense of the city and used by him in the certification of instruments when acting as registrar of births and deaths.

Sec. 16-22. Registration required.

Every birth and death occurring within the city limits shall be registered and the necessary permit issued as required by the Vital Statistics Law of the State of Texas, being Article 4477, rules 34a through 55a, of Vernon's Annotated Civil Statutes, as such law may be applied to the city.

Sec. 16-23. Reports by hospitals, doctors, etc.

It shall be the duty of every doctor, midwife or other person attending any birth or death, and the superintendent or other person in charge of any hospital or other institution where the sick are taken for detention and care, to report every birth and death to the registrar of births and deaths. Such report shall be made on forms prescribed therefor by the state and shall be made within twelve (12) hours and, in each event, prior to the removal of the mother of the child or of the deceased from the hospital, institution or other place where the birth or death occurred.

Sec. 16-24. Records to be kept.

The registrar of births and deaths shall complete, correct, arrange in chronological order and index the birth and death records of the city. He shall maintain suitable bound volumes for making permanent records of birth and death certificates. All such records shall be kept in the regular fireproof vault for the permanent records of the city.

Sec. 16-25. Original certificates to be forwarded to state registrar.

The registrar of births and deaths shall forward, prior to the tenth day of each month, to the state registrar of vital statistics, all original certificates of births and deaths filed during the previous month.

Sec. 16-26. Fee for copies of certificates.

The registrar of births and deaths is hereby authorized and directed to charge and collect a fee, as set out herein below, for each certified copy of a birth, death and/or fetal death certificate properly and completely made out and registered with him and correctly recorded and promptly sent by him to the state bureau of vital statistics as required by law. Such fees shall be for the benefit of the general fund of the city and proper records shall be kept showing the monthly receipts from such source. The city council shall adopt by resolution a schedule of

the birth, death and fetal death certificate fees charged by the city for each certificate issued, a copy of which shall be maintained in the treasury office.

Sec. 16-27. Monthly reports to city council.

The registrar of births and deaths shall tabulate the data shown on the birth and death certificates and shall make such monthly reports to the city council with reference thereto as it may require.

Sec. 16-28-16.29. Reserved.

ARTICLE IV. NEIGHBORHOOD NUISANCES

Sec. 16-30. Statutory Authorization.

In accordance with the authority granted under Chapter 342 of the Health and Safety Code**,** "Local Regulation of Sanitation," the City of Temple regulates the abatement of nuisances from real property and premises within the city limits, which includes abating certain nuisances without notice, imposing penalties, assessing expenses and creating and foreclosing on liens in tax code proceedings.

Sec. 16-31. Designation of Official.

(a) The superintendent of the department of construction safety and services is hereby designated and charged with enforcing the procedures for abating nuisances under this article and shall hereinafter be referred to as the "health official." The health official shall conduct administrative hearings as provided by this article.

(b) The code enforcement officer is hereby authorized under the direction of the health official to administer the procedures under this article, except that any authorized person may abate the nuisance.

(c) The health official, the code enforcement officer or an authorized designee of the health official may enter any private property or premises for purposes of enforcing this article.

Sec. 16-32. Definitions.

In this article:

(a) *abate* includes eliminate by removal, repair, rehabilitation, demolition, cleaning, filling, draining, disinfecting, vacating or by other means of compliance with applicable ordinances or laws.

(b) *property* includes all property, lots or parcels of real estate within the city limits, whether developed and with structures or vacant and undeveloped.

(c) *lots* or *parcels of real estate* in addition to those grounds within their respective boundaries, includes any right-of-way adjoining private property and all property, lots or parcels of ground lying and being adjacent to and extending beyond the property line of any such property, lots or parcels of real estate to the curbline of the adjacent streets, where a curbline has been established, and fourteen (14) feet beyond the property line where no curbline has been established on adjacent streets, and also to the center of adjacent alleys.

(d) *premises* includes all privately owned property including vacant land or a building designed or used for residential, commercial, business, industrial or religious purposes, yard, ground, walk, driveway, fence, porch, steps or other structure appurtenant to the property.

(e) *weeds* includes all rank and uncultivated vegetable growth or matter which has grown to more than nine (9) inches in height or which, regardless of height, is liable to become an unwholesome or decaying mass or a breeding place for mosquitoes or vermin.

(f) *brush* includes all trees or shrubbery under seven (7) feet in height which are not cultivated or cared for by a person owning or controlling the premises.

(g) *rubbish* includes all refuse, junk and trash and debris, discarded tin and plastic containers, glass, paper, metal, wood, old vessels of all sorts, useless articles, discarded clothing and textiles of all sorts and discarded furniture, tires or other materials that have been discarded or sold at a nominal price by a previous owner of the material, and in general all litter and all other things usually included with the meaning of the term.

(h) *any and all other objectionable, unsightly, or unsanitary matter* includes all uncultivated vegetable growth, objects and matters not included within the meaning of the other terms as used in this article, which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the premises within the general locality where the same are situated.

Sec. 16-33. Public Health Nuisances.

(a) Whatever is dangerous to human health or welfare, or whatever renders the ground, the water, the air, or food a hazard to human health is hereby declared to be a public health nuisance.

(b) A person may not cause, permit or allow a public health nuisance described under subsection (c) of this section on any property or premises within the city limits.

(c) The following specific acts, conditions, and things are declared to constitute public health nuisances and are unlawful:

(1) The deposit or accumulation of any filth, carrion, foul, decaying or putrescent substance or other impure, unwholesome or offensive matter in or upon any building, establishment, ground, property, lot, street, or in or upon any public or private place in such a way as to become

offensive or objectionable; the overflow of any foul liquids, or the escape of any gases, dusts, fumes, mists, and sprays to such an extent that the same, or any one of them, shall become, or be likely to become, hazardous to health or a source of discomfort to persons living or passing in the vicinity thereof.

(2) A polluted well, or cistern, spring or stream, or the pollution of any body of water used for drinking purposes.

(3) The maintenance of any privy, vault or cesspool, except as provided by the Code of Ordinances.

(4) Keeping any building or room in such a state of uncleanliness or the crowding of persons in any building or room in such a manner as to endanger the health of the persons dwelling therein,

(5) Allowing cellars, temporary tents or sheds to be used as sleeping rooms.

(6) A building or portion of a building occupied as a dwelling which is not provided with a plentiful supply of pure water.

(7) A building or portion of a building occupied as a dwelling which is not lighted and ventilated by means of at least one window, opening to the outer air, in each room, except windowless rooms which have an approved mechanical ventilation system capable of a change of air every 30 minutes and artificial light provides an average illumination of six (6) foot candles over the area of the room at a height of thirty (30) inches.

(8) The accumulation of manure, unless it is in a properly constructed pit or receptacle.

(9) The slopping or feeding of cattle or other animals on distillery swill, unless the enclosure wherein such slopping or feeding is done is provided with means for preventing and removing the unsanitary conditions associated with such slopping or feeding.

(10) Permitting the existence of weeds, brush, rubbish, and all other objectionable, unsightly, or unsanitary matter covering or partly covering the surface of any property, lots or parcels of real estate situated within the city limits.

(11) Permitting property, lots or parcels of real estate situated within the city limits to have the surface thereof filled or partly filled with holes or be in such condition that the same holds or is liable to hold stagnant water therein, or from any cause be in such condition as to be liable to cause

disease or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome, offensive or obnoxious.

(12) Permitting the accumulation or collection of any water, stagnant, flinger otherwise, in which the mosquito breeds or which may become a breeding place for mosquitoes.

(13) Permitting the detectable presence of urine or the presence of feces, vomit and other bodily fluids in or upon any property, including any sidewalk adjacent to any paved portion of a street abutting the property, that may be accessible to the public or in such a manner that the presence of any of the foregoing may be detected in the vicinity of the property.

Sec. 16-34. Responsibility to Abate Public Health Nuisances.

(a) The owner or occupant of property or premises within the city limits shall be responsible to abate, remove or eliminate any public health nuisance described by section 16-33 of this article.

(b) The failure of the owner or occupant to abate a public health nuisance as required constitutes an offense as described under section 16-44 of this article.

Sec. 16-35. Notice to Owner or Occupant to Comply.

(a) Whenever any public health nuisance exists on property or premises within the city limits in violation of section 16-33 of this article, the health official shall provide ten (10) days written notice to abate the public health nuisance to the owner or occupant of the property or premises.

(b) The notice to abate shall be sent by certified mail, return receipt requested to the owner or occupant of any property or premises within the city limits on which the public health nuisance exists.

(c) The notice shall contain:

(1) An identification of the property, premises or location where the public health nuisance is located;

(2) A description of the public health nuisance that is present on the property, premises or location;

(3) A statement that: (I) violation of article IV, section 16-34 of the Code of Ordinances, is a Class C misdemeanor punishable by a fine of up to $2000.00 per day per violation for which the owner or occupant will be criminally prosecuted; and (ii) if the nuisance is not abated within the

ten (10) day period, the owner or occupant will be issued a citation and required to enter an appearance on a criminal complaint in the municipal court.

(4) A statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property.

Sec. 16-36. Citation.

(a) The code enforcement officer is authorized to issue a citation to any person who violates a provision of this article.

(b) The citation shall contain:

(1) An identification of the property, premises or location where the nuisance is located;

(2) A description of the public health nuisance that is present on the property, premises or location;

(3) A statement that violation of article IV, section 16-33 of the Code of Ordinances is a Class C misdemeanor punishable by a fine of up to $2000.00 per day per violation and that a criminal complaint will be filed for which the person will be required to appear in the municipal court.

(c) The citation shall be delivered:

(1) personally by hand delivery;

(2) by letter addressed to the post office address; or

(3) if personal service cannot be obtained or the post office address is unknown:

(a) by publication at least twice within ten (10) consecutive days;

(b) by posting the notice on or near the front door of each building on the property to which the violation relates; or

(c) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

Sec. 16-37. Abatement of Nuisance by City.

If the owner of property does not comply with the notice of violation as provided according to section 16-35 of this article, the City may:

(a) do the work or make the improvements required; and

(b) pay for the work done or improvements made; and

(c) charge the expenses incurred to the owner of the property.

Sec. 16-38. Abatement of Recurring Nuisance Without Further Notice.

(a) If the owner of property commits another violation of the same kind or nature on or before the first anniversary date of the notice of violation as provided to the owner under section 16-35 of this article, the City may without further notice correct the violation at the owner's expense and assess the expense against the property.

(b) If a violation occurs within the one-year period as provided in subsection (a) of this section, and the City has not been informed of an ownership change, then the municipality may take any action permitted by section 16-37 of this article.

(c) For purposes of subsection (a) of this section, the initial notice to owner shall be provided by certified mail, return receipt requested according to section 16-35 of this article.

Sec. 16-39. Abatement of Dangerous Weeds Without Notice.

(a) The City may abate, without notice, weeds that:

(1) have grown higher than forty-eight (48) inches; and

(2) are an immediate danger to the health, life, or safety of any person.

(b) The City shall give notice to the property owner in the manner required under section 16-35 no later than the tenth day after the date the City abates the weeds.

(c) The notice shall contain:

(1) an identification of the property;

(2) a description of the nuisance that occurred on the property;

(3) a statement that the City abated the weeds; and

(4) an explanation that the property owner has a right to request an

administrative hearing by filing a written request with the health official not later than the 30th day after the date of the abatement of the weeds.

Sec. 16-40. Administrative Hearing Before the Health Official.

(a) The health official shall conduct an administrative hearing on the abatement of weeds under section 16-39 of this article if, not later than the 30th day after the date of the abatement of the weeds the property owner files with the health official a written request for a hearing.

(b) The hearing before the health official shall be conducted not later than the 20th day after the date a request for a hearing is filed.

(c)The property owner may testify or present any witnesses or written information relating to the City's abatement of the weeds.

(d)The City may assess expenses and create liens under this section as it assesses expenses and creates liens under section 16-41 of this article.

Sec. 16-41. Assessment of Expenses and Lien.

(a) The City may assess expenses incurred under sections 16-37 and 16-39 of this article against the real estate on which the work is done or the improvements made.

(b) To obtain a lien against the property, the health official shall file a statement of expenses with the county clerk of Bell County, Texas.

(c)The lien is security for the expenditures made and interest accruing at the rate of ten (10) percent on the amount due from the date of payment by the City.

(d) The lien is inferior only to:

(1) tax liens; and

(2) liens for street improvements.

(e) The City may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due.

(f) The City may foreclose on a lien in a proceeding relating to the property brought under Subchapter E, Chapter 33 of the Tax Code.

(g) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

Sec. 16-44. Criminal Penalty.

(a) Procedures for abatement and removal of a public health nuisance by the health official under this article are independent and cumulative of criminal penalties provided herein.

(b) A person commits an offense if the person violates section 16-33(b) of this article and is subject to criminal prosecution.

(c) The owner or occupant of the property on which the nuisance is located commits an offense if the owner or occupant fails to abate a public health nuisance as required under section 16-34 of this article and is subject to criminal prosecution.

(d) An offense under this article is a class C misdemeanor which shall be prosecuted in the municipal court and shall be punishable by a fine not to exceed $2000.00. Each day a violation occurs is a separate offense.

ARTICLE V. RODENT CONTROL

DIVISION 1. GENERALLY

Sec. 16-49. Definitions.

For the purposes of this article, the following definitions shall apply:

Business building. The term "business building," either vacant or occupied, shall mean any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, apartment buildings, tenement houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other structures on the premises.

Health officer. The term "health officer" means the city health officer or any duly authorized representative.

Occupant. The term "occupant" shall mean the individual, partnership, or corporation that uses or occupies any business building or part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or vacant portions thereof, the owner, agent, or custodian shall have the responsibility as occupant.

Owner. The term "owner" shall mean the actual owner, agent, or custodian of the business building, whether individual, partnership, or corporation. The lessee shall be construed as the "owner" for the purpose of this article when business building agreements hold the lessee responsible for maintenance and repairs.

Rat eradication. The term "rat eradication" shall mean the elimination or extermination of rats within buildings by any or all of the accepted measures, such as poisoning, fumigation,

trapping, or other methods deemed necessary.

Rat harborage. The term "rat harborage" shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of any structure.

Ratproofing. The term "ratproofing" applies to a form of construction to prevent the ingress of rats into business buildings from the exterior or from one business building or establishment to another. It consists essentially of treatment, with material impervious to rat gnawing, of all actual or potential openings in exterior walls, ground or other floors, basements, roof and foundations, that may be reached by rats from the ground by climbing or by burrowing.

Sec. 16-50. Business buildings to be ratproofed and rat-free.

All business buildings in the city shall be ratproofed, freed of rats, and maintained in a ratproof and rat-free condition to the satisfaction of the health officer.

Sec. 16-51. Ratproofing of nonbusiness buildings.

From and after December 13, 1949, it shall be unlawful for any person to construct, repair or remodel any dwelling, or other nonbusiness building or structure, unless such construction, repair, remodeling or installation shall render the building or other structure ratproof in accordance with the regulations prescribed in this article. The provisions of this section apply only to such construction, repairs, remodeling or installation as affect the ratproof condition of any building or other structure.

Sec. 16-52. Duty to ratproof business buildings upon notice from health officer.

Upon receipt of written notice from the health officer, the owner of any business building specified therein shall take immediate measures for ratproofing the building, and unless such work and improvements have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen (15) days, or within the time to which a written extension may have been granted by the health officer, then the owner shall be deemed guilty of a misdemeanor.

Sec. 16-53. Duty to institute rat eradication measures at business buildings upon notice from health officer.

Whenever the health officer notifies the occupant of a business building in writing that there is evidence of rat infestation of such building, the occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a manner satisfactory to the health officer. Unless such measures are undertaken within five (5) days after receipt of the notice, it shall be construed as a violation of the provisions of this section and the occupant shall be held responsible therefor.

Sec. 16-54. Closing of business buildings providing rat harborage.

Whenever, in the opinion of the health officer, conditions inside or under occupied business buildings provide extensive harborage for rats, the health officer is empowered, after due notification in accord with section 16-52, to close such business buildings until such time as the conditions are abated by ratproofing and harborage removal, including, if necessary, the installation of suitable concrete floors in basements or replacement of wooden first or ground floors with concrete or other major repairs necessary to facilitate rat eradication.

Sec. 16-55. Condemnation and destruction of unoccupied business buildings providing rat harborage.

Whenever, in the opinion of the health officer, conditions inside or under unoccupied business buildings provide extensive harborage for rats, the health officer is empowered to require compliance with the provisions of section 16-52, and, in the event that such conditions are not corrected in a period of sixty (60) days, or within the time to which a written extension may have been granted by the health officer, the health officer is empowered to institute condemnation and destruction proceedings.

Sec. 16-56. Maintenance of ratproof business building.

The owners of all ratproofed business buildings are required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing, without a specific order of the health officer.

Sec. 16-57. Removal of ratproofing from business building; closing of new openings.

It shall be unlawful for the occupant, owner, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the ratproofing from any business building for any purpose. It shall likewise be unlawful for any person or agent to make any new openings that are not closed or sealed against the entrance of rats.

Sec. 16-58. Accumulations conducive to rat harborage.

It shall be unlawful for any person to permit to accumulate on any premise, improved or vacant, or on any open lot or alley in the city, any lumber, boxes, barrels, bottles, cans, containers or similar materials that may be permitted to remain thereon and that are conducive to the harborage of rats, unless the same are placed on open racks that are elevated not less than eighteen (18) inches above the ground, and evenly piled or stacked.

Sec. 16-59. Storage and dumping of garbage and refuse affording food or harborage for rats.

All garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored, until collected, in covered

containers of a type prescribed by section 15-4 of this Code. No person shall dump or place on any premise, land or waterway any dead animals or any waste vegetable or animal matter of any kind.

It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish, or trash in any building or on any premises, improved or vacant, or on any open lot or alley in the city, so that the same shall or may afford food or harborage for rats.

Sec. 16-60. Storage of chicken and animal feed.

All food and feed within the city used for feeding chickens, cows, pigs, horses, and other animals shall be stored in rat free and ratproof containers, compartments, or rooms, unless stored in a ratproof building.

Sec. 16-61. Inspections to enforce article.

The health officer is empowered to make unannounced inspections of the interior and exterior of business buildings to determine full compliance with this article and the health officer shall make periodic inspections at intervals of not more than forty-five (45) days of all ratproofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in their ratproofing and, when any evidence is found indicating the presence of rats or openings through which rats may again enter business buildings, the health officer shall serve the owners or occupants with notice and/or orders to abate the conditions found.

Sec. 16-62--16-66. Reserved.

DIVISION 2. MINIMUM REQUIREMENT FOR RAT-STOPPAGE IN BUSINESS BUILDINGS

Sec. 16-67. Application and scope of division.

For the purpose of obtaining rat-stoppage in business buildings, the regulations prescribed by this division are set forth as the minimum requirements for applying rat-stoppage to business buildings.

Sec. 16-68. Approval of material and installation.

The health officer shall approve all materials used pursuant to this division and the method of installation.

Sec. 16-69. Protective coating for required metal and wire cloth.

Solid sheet metal, expanded metal and wire cloth specified in this division shall have a rust-resisting protective coating, preferably galvanized.

Sec. 16-70. Covering of foundation and exterior wall openings generally.

All foundation and exterior wall openings, excluding those used for the purpose of ventilation, light, doors, and windows, such as those openings around pipes, electric cables, conduits, openings due to deteriorated wall, broken masonry, or concrete, shall be protected against the ingress of rats by closing such openings with cement mortar, concrete or masonry, or close-fitting sheet metal or suitable size pipe flanges or other material with equal rat-resisting properties, which shall be securely fastened in place.

Sec. 16-71. Covering of foundation wall ventilator openings.

All foundation wall ventilator openings shall be covered for their entire height and width with perforated sheet metal plates of a thickness not less than twenty-four (24) gauge, or with expanded sheet metal of a thickness not less than eighteen (18) gauge, or with cast iron grills or grates, or with any other material of sufficient strength and equal rat-resisting properties. The openings therein shall be small enough to prevent the ingress of rats, and in no instance shall be larger than one-half (1/2) inch mesh.

Sec. 16-72. Doors and door jambs and sills.

All exposed edges of the lower eight (8) inches of wooden doors and door jambs, serving as front, rear or side entrances into business buildings, from the ground, basement or cellar floors, and other doors accessible to rats, shall be protected against the gnawing of rats by covering such doors and jambs with solid sheet metal of not less than twenty-four (24) gauge thickness. The same material shall be used on door sills or thresholds, or such door sills or thresholds may be constructed of cement, stone, steel, or cast iron. Doors, door jambs and sills of coal chutes and hatchways that are constructed of wood shall be covered with solid sheet metal of twenty-four (24) gauge or heavier, or they may be replaced with metal chutes of twenty-four (24) gauge or heavier installed in such manner as will prevent the ingress of rats. All buildings with side and rear door entrances shall be provided with fly screens and hardware cloth doors. These entrances shall be provided with suitable automatic self-closing devices.

All doors on which metal channel flashing has been applied shall be properly hinged to provide for free swinging. When closed, doors shall fit snugly so that the maximum clearance between any door, door jambs, and sill shall not be greater than three-eighths (3/8) of an inch.

Sec. 16-73. Protection of windows, pipes, wires, etc.

All window and other openings for the purpose of light or ventilation that are or may be accessible to rats by way of exposed pipes, wires, conduits and other appurtenances, shall be covered for their entire height and width, including frame, with wire cloth of nineteen (19) gauge or heavier, having a mesh of not larger than one-half (1/2) inch, in installed metal frames of twenty-four (24) gauge and anchored in place with proper anchorage.

In lieu of the wire cloth covering, provided for above, such pipes, wires, conduits and other appurtenances shall be blocked from rat usage by installing sheet metal guards of twenty-four (24) gauge or heavier. Such guards, when used on vertical pipes, wires, conduits or other appurtenances, shall be fitted snugly around the pipe, wire, conduit or other appurtenance.

Sec. 16-74. Protection of light wells with windows below ground level.

Light wells with windows in exterior walls that are located below the outside ground level shall be protected from the ingress of rats by one of the following methods:

(1) Installing over the light well cast iron or steel grills or steel gratings, or other material of equal strength and rat-resisting properties, with openings in grills or gratings not to exceed one-half (1/2) inch in largest dimension.

(2) Installing securely to and completely covering existing metal grills that are broken or have openings larger than one-half (1/2) inch in largest dimensions or otherwise defective, with expanded metal of eighteen (18) gauge or heavier, having openings not greater than one-half (1/2) inch in largest dimension.

(3) At the option of the owner the opening in the wall of the building below the grate may be entirely closed with brick or concrete or partially closed and the remaining open space covered with nineteen (19) gauge or heavier wire cloth with mesh not to exceed one-half (1/2) inch.

Sec. 16-75. Special requirements for buildings constructed on piers.

(a) Business buildings constructed on piers having wooden floor sills twelve (12) inches or less above the surface of the ground shall have the intervening space between the floor sill and the ground protected against the ingress of rats by installing a solid masonry or concrete curtain wall, not less than four (4) inches thick, around the entire perimeter of the business building and extending such curtain wall to a depth of not less than eighteen (18) inches with a twelve (12) inch shelf extending outward from the wall and fastening securely to the exterior wall of the business building, in such manner as will prevent rats from entering the building. In lieu of the installation of curtain walls, all ground floors of wood construction may be replaced with concrete of not less than three (3) inches in thickness. Exterior wall protection shall be securely tied into the concrete floor at all points.

(b) Business buildings constructed on piers having wooden floor sills greater than twelve (12) inches above the ground level shall have the intervening spaces between floor sill and ground protected against the ingress of rats by installing curtain walls in accordance with subsection (a), or by protecting such business buildings against the ingress of rats by installing solid sheet metal coverage of twenty-four (24) gauge or heavier snugly around each pipe, cable, wire, conduit or other utility service passing through wooden ground floors, Such metal coverage shall not be less than eight (8) inches in diameter larger than diameter of pipe, cable, wire, conduit or other utility service, and shall be securely fastened to the wooden floor. All other openings in wooden ground floors through which rats may gain entrance into double walls or the interior of the business buildings, such as openings that may exist in floors and double walls above floor sills, shall be closed with twenty-four (24) gauge or heavier solid sheet metal of sixteen (16) gauge or heavier wire cloth of one-half (1/2) inch or masonry or with concrete.

Sec. 16-76. Special requirements for curb or farmers' markets.

Curb or farmers' markets in which fruit or vegetables or any other products are exposed and offered for sale, on racks, stands, platforms and in or outside of business buildings, shall have floors paved with concrete or asphalt for the entire surface area of the market. Display racks, stands or platforms on which fruits or vegetables or any other food products are displayed or offered for sale shall be of sufficient height that all such fruits, vegetables or other food products shall be kept at a distance of not less than eighteen (18) inches above the floor pavement and be so constructed that rats cannot harbor therein or thereunder.

Sec. 16-77--16-85. Reserved.

ARTICLE VI. VENEREAL DISEASES

Sec. 16-86. Purpose of article; detention, examination, treatment of infected persons.

In order to protect persons in the City of Temple from the spread of communicable venereal disease the Bell County Health Department is empowered and authorized and the Bell County Health Director is directed to use every available means to ascertain the existence of and to investigate immediately all suspected cases of communicable venereal disease and to determine the sources of such infections. Certain persons reasonably suspected to be infected with a communicable venereal disease may be detained in jail, examined, and if determined to be so infected, treated, in accordance with the provisions of this section. The Bell County Health Director or his authorized representative shall order other persons reasonably suspected to be infected with a communicable venereal disease to be examined at the Bell County Health Department on an in-patient or out-patient basis, or, with the consent of the director or his representative, by a person licensed to practice medicine, and to be treated medically for such disease, if necessary.

(1) *Categories of suspected persons.* A person in any of the following categories may be reasonably suspected to have venereal disease:

(a) Any person who is arrested and charged in the municipal court of the city or any court in the county with an offense in the nature of or involving prostitution, rape, or another offense related to sex and any person convicted of any such offense in the city or county.

(b) Any person reasonably suspected to have had contact with another individual reasonably believed to have had a communicable venereal disease at the time of such contact and any person who is reasonably believed to have transmitted any such disease to another individual. Any person who has had any such disease or who has been convicted of any offense of the kinds herein specified within twelve (12) months next past, and who is reasonably believed to be engaged in any activity which might have occasioned exposure to a communicable venereal disease.

(2) *Detention in jail.* Suspected persons in the categories enumerated in

subparagraph (1)(a) may be detained in jail. When any person so detained is determined not to have venereal disease in communicable form the director shall release the individual from detention for health purposes. The detention of any person in jail under the provisions hereof shall continue only for such time as is reasonably necessary to examine such person and render treatment if such person is found to have a venereal disease in a communicable form. The provisions hereof shall not be utilized as, nor construed to be a penalty or punishment. No person detained for health under the provisions hereof shall be released from such detention even if he or she is otherwise eligible for release on bond or by reason of payment of fine, or termination of sentence imposed.

(3) *Examination in jail.* Every suspected person detained in jail under the provisions of subparagraph (1)(b) shall be examined by the Bell County Health Department for the purpose of determining whether or not such person is, in fact, infected with a communicable venereal disease. Every such person shall submit to such examinations as are necessary and permit specimens to be taken for laboratory analysis. The detention of each suspected person shall continue until the results of such examinations are known and the person found to be free from any such disease or if infected, until the disease is no longer communicable.

(4) *Treatment in jail.* The Bell county Health Department shall treat every person suspected to have venereal disease who has been detained and examined in jail and found to have any such disease. The treatment shall continue until the disease is no longer communicable.

(5) *Examination and treatment at the Bell County Health Department or by private physician.* Every suspected person in the categories enumerated in subparagraph (1)(a) who is not detained in jail shall be examined at the Bell County Health Department on an in-patient or out-patient basis as determined in individual instances by the Bell County Health Department Director or his authorized representative. Each such person shall submit to examinations as necessary and permit specimens to be taken for laboratory analysis and shall comply with the directions of the Bell County Health Director or his authorized representative with relation to hospitalization on an inpatient basis or attendance at clinic on an out-patient basis, as the case may be. Each such person shall continue to follow these directions until the results of his or her examination are known and the person determined to be free from any such disease, or, if infected, until the disease is no longer communicable. With the consent of the director or his authorized representative a suspected person may be at his or her expense examined by a doctor licensed to practice medicine and treated medically for such disease, if necessary. In these latter instances, the director or his authorized representative shall receive reports of examinations and treatment and other information relative to the problems involved from the medical doctor selected.

(6) *Violations.* It shall be unlawful to refuse to submit to examination or treatment provisions hereof or to violate any order of detention. It shall be unlawful to refuse to obey any order of the Bell County Health Director or his authorized

representative requiring examinations and treatment, if necessary, for such disease, or any other order issued hereunder.

Sec. 16-87. Duties of members of police department.

The chief of police and the officers of the police department of the city are hereby authorized, empowered, and directed to implement the purposes of section 16-86 in accordance with the provisions of this section.

(1) *Chief of police.* The chief of police shall cause to be furnished to the Bell County Health Department information pertinent to the enforcement of section 16-86 with relation to persons who are arrested and charged or otherwise imprisoned in any jail administered by the chief of police. The chief of police is directed to make available from time to time an area, room, or a place in such jail which may be used as a detention for health facility and for examinations. Said room or area may be a jail and may be used in the day to day operation of the jail when not for the purposes hereof. It may be changed from time to time and need not be restricted to any one area so long as individuals held hereunder are not housed with prisoners held for nonhealth purposes. Any area employed for the purposes of examination shall be such as to provide privacy to the patient and doctor. The chief of police and officers of the police department shall cooperate in the execution of such detention procedures as may be necessary, and shall assume custodial supervision of persons detained under the provisions of section 16-86(1)(b) and shall supply such personal restraints as may be necessary to effectuate the purposes thereof.

(2) *Police department.* Officers of the police department of the city shall furnish to the Bell County Health Department information pertinent to the enforcement of the provisions of section 16-86(1). Police officers shall have authority to detain suspected persons in the categories enumerated in section 16-86(1)(a) for health purposes in jail in accordance with the procedure set forth in section 16-86(2) for examination and treatment by the Bell County Health Department under the provisions of section 16-86(3) and (4). Police officers shall have authority to order suspected persons in the categories enumerated in section 16-86(1)(a) and (b) who are not detained in jail to report to the Bell County Health Department for examination and treatment at the direction of the Bell County Health Director or his authorized representative in accordance with the provisions of section 16-86(5). They shall also have authority to order persons to report to the Bell County Health Department for examination and treatment, as aforesaid, who have been held for investigation of offenses of the types enumberated in section 16-86(1)(a) and who have been released without charges having been filed and similarly persons who have been acquitted of any such charges and other suspected persons who have been released on bond.

(3) *Violations.* It shall be unlawful to refuse to submit to examination or treatment under an order as hereinabove provided or to violate any order of detention or to refuse to obey any order requiring submittal to examination and treatment at the

Bell County Health Department.

Sec. 16-88. City health officer may enforce article provisions.

The city health officer of the City of Temple, Texas, and his designated representatives, may exercise all the rights, powers, and duties provided herein to the Bell County Health Department and the director thereof. To that extent, whenever used in this article, the terms "Bell County Health Department" and "Bell County Health Director" shall include the city health officer.

ARTICLE VII. SMOKING REGULATIONS

Sec. 16-89. Smoking prohibited in certain public areas

a. A person commits an offense in violation of this Article if he/she smokes or possesses a burning tobacco, weed or other plant product in any of the following indoor or enclosed areas:

1. public or private preschools, primary or secondary schools, public or private colleges or universities, child-care facilities;

2. elevators, museums, libraries, galleries, public transportation facilities open to the public and service lines of establishments doing business with the general public;

3. City buildings, **City parks (with the exception of the golf course portion of Sammons Golf Course),** or any portion thereof owned or leased by the City and used for the City purposes;

4. any building which is used for or designated for the purpose of exhibiting any motion picture, stage drama, lecture, musical recital, athletic event or any other event whenever open to the public, including all restrooms and any area commonly referred to as a lobby; however, smoking, which is a part of a stage performance, is permitted;

5. any retail or service establishment serving the general public, including but not limited to, any food products establishment, department store, restaurant, **bowling alley, entertainment center,** Laundromat, grocery store, private club, drug store, shopping mall, hair styling salons, including service lines, but excepting outdoor patio areas where food is served;

6. all restrooms open for public use;

7. within all areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not

limited to, commercial, financial and professional offices, including banks, hotels and motels;

8. within twenty (20) linear feet of a public entrance of any establishment or facility where smoking is prohibited ***except to briefly transverse this area to use an extinguishing device***;

9. in any public area of a health care facility or hospital, including, but not limited to, clinics, physical therapy facilities, doctor's offices, nursing and convalescent homes, residential treatment centers/homes and dentist's offices except in bed space areas of health facilities if all patients within the room are smokers and such smoking is ordered on the health care facility's admission form by an attending physician, in keeping with the guidelines established by the facility; or

10. any establishment or facility, or any portion thereof, that has been designated as nonsmoking by the owner, operator, manager or other person who controls any establishment or facility.

b. An offense under this subsection is punishable by a fine not to exceed fine not to exceed ONE HUNDRED AND NO/100 DOLLARS ($100.00) for the first offense; TWO HUNDRED AND NO/100 DOLLARS ($200.00) for a second offense; and THREE HUNDRED AND NO/100 DOLLARS ($300.00) for each subsequent offense

Sec. 16-90. Affirmative defense

It shall be a defense to prosecution for an offense committed under Section 16-89 that the establishment or facility in which the offense takes place does not have conspicuously displayed a sign or signs that smoking is prohibited and that an offense is punishable by a fine not to exceed fine not to exceed ONE HUNDRED AND NO/100 DOLLARS ($100.00) for the first offense; TWO HUNDRED AND NO/100 DOLLARS ($200.00) for a second offense; and THREE HUNDRED AND NO/100 DOLLARS ($300.00) for each subsequent offense.

Sec. 16-91. Posting of signs

The owner, operator, manager or person in charge of an establishment or facility in which smoking is prohibited in all or a portion thereof shall conspicuously post signs informing the public that smoking is prohibited in the establishment or facility or a portion thereof. The manner of such posting shall be at the discretion of the owner, operator, manager or person in charge of an establishment or facility so long as the signs are conspicuous and state that smoking is prohibited and that an offense is punishable by a fine. Said fine shall not exceed ONE HUNDRED AND NO/100 DOLLARS ($100.00) for the first offense; TWO HUNDRED AND NO/100 DOLLARS ($200.00) for a second offense; and THREE HUNDRED AND NO/100 DOLLARS ($300.00) for each subsequent offense.

Sec. 16-92. Allowing smoking in prohibited places

The owner, operator, manager or person in charge of an establishment or facility commits an offense if the owner, operator, manager or person in charge of an establishment or facility fails to verbally notify someone smoking in the establishment or facility that smoking is in violation of this Article, and continues to provide service to a person smoking in violation of this Article. An offense is punishable by fine not to exceed ONE HUNDRED AND NO/100 DOLLARS ($100.00) for the first offense; TWO HUNDRED AND NO/100 DOLLARS ($200.00) for a second offense; and THREE HUNDRED AND NO/100 DOLLARS ($300.00) for each subsequent offense. It is an affirmation defense to prosecution under this section, if the owner, operator, manager or person in charge of an establishment or facility, has posted the signs required by Section 16-91, verbally notified a person smoking in person that they are smoking in violation of this Article, and refused to serve them while they are smoking.

Sec. 16-93. Locations smoking is not prohibited

Smoking is not prohibited in the following establishments or facilities, or portions thereof, unless designated as nonsmoking by the owner, operator, manager or person in control of the establishment or facility:

(a) private residences, except when used as a licensed child care or health care facility;

(b) hotel and motel rooms rented to guests, **provided that no more than twenty-five percent (25%) of rooms will be designated as smoking rooms**;

(c) retail tobacco stores;

(d) any area exterior to an establishment or facility that is not in violation of any other provision of this ordinance;

(e) any enclosed rooms in an establishment or facility which are being used entirely for private parties, events or other social functions;

(f) enclosed areas of an establishment or facility that are not available to the general public and designated as a smoking area by the owner, manager, operator or person in control;

(g) in the designated smoking areas of any establishment or facility which has provided a designated smoking area equipped with a physical barrier that separates the designated smoking area from nonsmoking area with a separate ventilation. **No more than fifty percent (50%) of the public area of a facility may be designated as a smoking area.** The physical barrier must form an effective membrane continuous from outside wall to outside wall, from smoke barrier to smoke barrier, from floor to floor or roof above, or a combination thereof, including continuity through all concealed spaces, such as above suspended ceilings, interstitial structural and mechanical spaces. Transfer grilles, louvers and similar openings shall not be used in these partitions. Self-closing, tight fitting doors are permitted in such barriers. The

ventilation system must be a HVAC system designed by a licensed professional engineer to have a negative pressure on the area designated for smoking to prevent air from a smoking area to be drawn across or into a non-smoking area, provide a total air exchange every fifteen (15) minutes and exhaust that air to the exterior of the building. All air ventilation systems shall be tested when requested by the Superintendent of Construction Safety and a record of such test maintained by the establishment or facility and submitted to the Superintendent or his/her designee when requested;

(h) an establishment or facility that has less than ten (10) employees. The term, "employees," includes leased employees, temporary employees, contract employees and similar situated employees;

(i) bowling alleys;

(j) **in the designated smoking area of a bingo parlors, provided that no more than eighty percent (80%) of such areas may be designated as smoking areas if the smoking areas contain a separated ventilation systems and continuous physical barriers, or no more than fifty percent (50%) of such areas may be designated as smoking areas if the areas do not contain separated ventilation systems and continuous physical barriers; and minors shall not be allowed access to areas of the premises designated as smoking areas, or**

(k) an establishment or facility where alcohol sales are equal to or in excess of **fifty percent (50%)** of the gross receipts of the establishment or facility.

Sec. 16-94. Enforcement

The Police Department, the Construction Safety Departments, or some other official(s) of the City designated by the City Manager, shall be responsible for administering this Article. The Police Department or the Fire Department may, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.

Sec. 16-95. No duty or obligation

In undertaking the enforcement of this ordinance, the City is promoting the general health, safety and welfare of its citizens. The City is not assuming any duty or obligation, nor is it imposing any duty and/or obligation on its officers and/or employees, nor is it liable in money damages or otherwise to any person who claims that the City or one of its officers, agents or employees breached any such obligation and the breach proximately caused injury.

Sec. 16-96. Effective date

This Ordinance is effective upon adoption. Establishments and facilities that desire to designate an area as available for smoking have until October 15, 2007 to comply with the structural requirements of the barrier and ventilation requirements of this Article unless the establishment or facility undergoes construction or structural renovation in an amount equal to or greater than fifty percent (50%) of the value of the structure as set forth of the City's tax

roll, in which case, they must come into compliance upon completion of said construction or renovation.

(Ordinance No. 2006-4119, December 21, 2006)

Sec. 16-97 – 16-107. Reserved.

ARTICLE VIII. TATTOO SHOPS

Sec. 16-108. Definitions.

For the purposes of this article, the following words and phrases shall be construed as follows:

Tattooing or *Tattoo* means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

Tattoo operator means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

Tattoo shop means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

Sec. 16-109. Tattooing Prohibited.

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.