

STATE OF TEXAS §

COUNTY OF SMITH §

**ORDER OF COMMISSIONERS COURT
OF SMITH COUNTY, TEXAS
SETTING POLICY
FOR ENFORCEMENT OF
SMOKE-FREE ENVIRONMENT INSIDE BUILDINGS
AND DESIGNATED RESTRICTED 50-FOOT AREA
FROM ANY PUBLIC ENTRANCE
IN COUNTY FACILITIES
AND SETTING PENALTIES
FOR EACH VIOLATION**

Pursuant to the Laws and Rules of the State of Texas, the Texas Constitution, article V, § 18 (providing that commissioners court shall “exercise such powers and jurisdiction over all county business), the Texas Local Government Code, § 291.001 (mandating commissioners court to “maintain the courthouse, offices, and other public buildings”), the Texas Health and Safety Code, § 121.003(a) (authorizing commissioners court to “enforce any law that is reasonably necessary to protect the public health.”), and the common law granting the County authority to regulate the public health and safety, the Commissioners Court of Smith County finds that it is necessary to impose policies regulating smoking within and on county facilities and property.

IT IS THEREFORE ORDERED THAT the following policies are adopted:

- No smoking and/or use of tobacco products of any kind on all county owned and/or leased property, including vehicles, within all county owned and/or leased buildings, or within fifty (50) feet of any public entrance to any county facility;
- Outdoor areas may be designated for smoking and/or use of tobacco products. However, any outdoor areas designated for smoking and/or use of tobacco products cannot be within fifty (50) feet of any public entrance;
- All Smith County Department Heads are directed to immediately strictly enforce the County's no smoking policies and to take disciplinary action against all employees who violate these policies;
- All Smith County Elected Officials, Department Heads, employees, and the general public shall refrain from smoking and/or use of tobacco products in accordance with County policies; and
- The Smith County Sheriff shall enforce these policies as mandated by Texas Local Government Code, §§ 291.003 ("county sheriff shall have charge and control of the county courthouse, subject to the regulations of the commissioners court") & 292.001 (Commissioners authority for "auxiliary county buildings").

IT IS FURTHER ORDERED THAT the Smith County Physical Plant shall place proper notice of no smoking policies to inform the general public of the

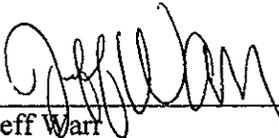
restriction or prohibition.

IT IS FURTHER ORDERED THAT that any person violating a rule adopted under this order commits an offense, which is a Class C misdemeanor, pursuant, punishable by fine not to exceed \$200.00 for each violation.

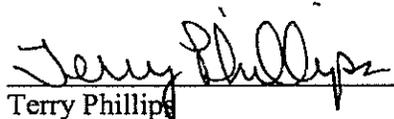
Date: 05-24-2011



Joel P. Baker
Smith County Judge



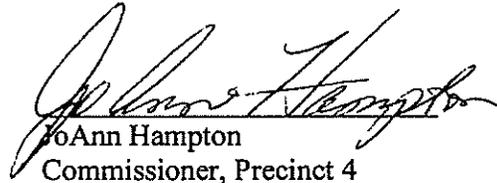
Jeff Warr
Commissioner, Precinct 1



Terry Phillips
Commissioner, Precinct 3



Cary Nix
Commissioner, Precinct 2



JoAnn Hampton
Commissioner, Precinct 4