



San Angelo-Tom Green Health Department
Environmental Health Division

“IN SERVICE WITH THE COMMUNITY”

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The City of San Angelo Smoke-Free Air Act of 2010 was adopted on January 11, 2011 and becomes effective on February 10, 2011. The San Angelo Smoke-Free Air Act of 2010 is codified in the City of San Angelo Code of Ordinances in Article 7.900, entitled “Smoking Regulation in Public Places and in Places of Employment,” Sections 7.901 through 7.915 and is located on the City of San Angelo website at www.sanangelotexas.us/ under the Health Department Environmental Health Division link. Copies of the City of San Angelo Smoke-Free Air Act of 2010 may be requested by telephone at 325-657-4493.

The Director of the Environmental Health Department or designee is responsible for enforcing the smoking regulations in public places and in places of employment in the City’s jurisdiction in accordance with Article 7.900 and for engaging in public education programs to explain and clarify the purposes and requirements of the article.

In accordance with the regulations smoking is prohibited in enclosed public places and places of employment as specifically defined under the article. As well, smoking is prohibited in certain outdoor areas and within a fifteen (15) foot distance from certain entrances and windows as described in the article. Section 7.908 of the article provides areas that may be exempt from the regulations under certain specific conditions and criteria.

**Achieving Compliance with and Enforcement of
the San Angelo Smoke-Free Air Act of 2010**

The owner, operator, manager or other person having control of public places and places of employment where smoking is prohibited is primarily responsible for achieving compliance with the regulations within their establishment.

The article provides that the owner, operator, manager or other person having control of an establishment regulated by the article shall ask a person who is smoking in an area where smoking is prohibited to extinguish the product being smoked. If the request is not met, the owner, operator, manager or other person having control is required to immediately advise that person that the failure to comply; i.e. extinguish the product being smoked, will result in enforcement action by the local authorities.

The owner, operator, manager or other person having control may report incidents of non compliance with the regulations by telephoning the San Angelo Police Department non emergency telephone number: 325-657-4315. The Police Department will make the appropriate referral for investigation.

Investigations by Environmental Health Division

Health inspectors are authorized to conduct compliance investigations and inspections, along with other local officials, including the Fire Marshal, associated with reports of non compliance, citizen complaints, and other regulatory inspections.

Citizen Complaints

During normal working hours, Monday through Friday, an individual may report a violation over the telephone to the Environmental Health Division by telephoning 325-657-4493. After working hours and on weekends, reports may be made by telephoning the San Angelo Police Department non emergency telephone number: 325-657-4315. The Environmental Health Division will investigate citizen complaints.

As with all city code violations, violations of the smoking regulations under Article 7.900 constitute class "C" misdemeanor offenses for which a complaint may be filed in the City of San Angelo Municipal Court. A witness may appear in person to file a sworn affidavit or complaint alleging a violation of the article. All complaints are processed pursuant to the rules and procedures applicable to Texas municipal court proceedings. The San Angelo Municipal Court is located at 110 South Emerick Street, San Angelo, Texas 76903.

Exemptions from Regulations: Private clubs, hotel and motel rooms, retail tobacco stores, patios and outdoor seating and bingo halls or bingo parlors

The following five (5) categories of premises are exempt from the non smoking regulations, subject to certain conditions and requirements set out under Section 7.908:

A private club that have no employees, except when members of the public are present. This exemption shall not apply if the smoke from such clubs infiltrates into an area where smoking is prohibited and to any organization established for the purpose of avoiding compliance with this article.

Hotel and motel room that are rented to guests and are designated as smoking rooms; provided, however, not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated

A retail tobacco store that as of the date of enactment of this article was operating as a retail tobacco store, if all of the following requirements are met: a) smoke from the retail tobacco store does not migrate into an enclosed area where smoking is prohibited; b) required reports are submitted by the store to the Health Department; c) the store does not expand in size or change its location after the date of enactment of this article.

Patios and outdoor seating and serving areas that are attached to a restaurant or bar and comply with the requirements of Section 7.907 Reasonable Distance; however this exemption shall not apply to any business that is established for the purpose of avoiding compliance with this article.

A designated bingo hall or bingo parlor that a) is a separate room closed off from the remainder of the facility; b) has ingress and egress to the outside of the facility separate from ingress and egress to non

smoking parts of the facility; and c) has an air handling HVAC system separate from the system for non smoking parts of the facility.

Posting of Warning Signs Where Smoking Permitted

The owner, operator, manager or other person having control of establishments where smoking is allowed is required to post signs at all public and employee entrances.

Signs required to be posted where smoking is permitted shall include the following words “WARNING, SMOKING ALLOWED IN FACILITY. THE SURGEON GENERAL HAS DETERMINED THAT SECOND HAND SMOKE CAN BE HARMFUL.”