

CITY OF SAN ANGELO
Code of Ordinances, Article 7.900
SMOKE-FREE AIR ACT of 2010

Smoking Prohibited:

- ❖ City owned, leased, or operated facilities, including buildings and vehicles (Sec. 7.903)
- ❖ Enclosed Public Places (Sec. 7.904)
- ❖ Enclosed Places of Employment (Sec. 7.905)
- ❖ Seating areas of all Outdoor Sports Arenas, Stadiums, and amphitheaters, including golf courses and public parks (Sec. 7.906)
- ❖ Within 15 feet of entrances and windows of an enclosed area where smoking is prohibited (Sec. 7.907)

Exemptions: (Sec. 7.908)

- ❖ Private Club that has no employees (Sec. 7.908.1)
 - Except(7.908.2):
 - Smoke from private club infiltrates into an area where smoking is prohibited
 - Does not apply if an organization is established for the purpose of avoiding compliance
- ❖ Hotel/Motel rooms designated as smoking rooms (Sec. 7.908.3)
 - Rooms shall constitute no more than 25% of rooms as smoking,
- ❖ Retail Tobacco Store that as of February 10, 2011 was operating as a retail tobacco store, and if all requirements are met: (Sec. 7.908.4)
 - Smoke must not migrate into an enclosed place where smoking prohibited
 - Must report revenue generated by sales of tobacco products as a percentage of quarterly gross revenue annually to Environmental Health Department
 - Revenue should be 80% or more of sales
 - Does not have a permit/license to sell food or beverages
 - Does not allow sale of tobacco products through vending machines
 - Does not allow individuals under the age of 18 to enter
 - Cannot expand in size or change its location after February 10, 2011.
- ❖ Patios and outdoor seating and serving areas attached to a restaurant or bar must be 15 feet from entrance or window. Does not apply to a business established for the purpose of avoiding compliance with this Article. (7.908.5)
- ❖ A designated smoking area in a bingo hall or bingo parlor, separated from the non-smoking section of the facility, has its own In and Out Doors, and has its own HVAC system.

Declaration of Establishment as Nonsmoking (Sec. 7.909)

An owner, operator, or manager, or other person in control of an establishment, facility or outdoor area may declare the entire establishment, facility, or outdoor area as a nonsmoking place.

Smoking is prohibited in any place in which a non-smoking sign is posted.

Posting of Signs and Removal of Ashtrays (Sec. 7.910)

- ❖ “No Smoking” signs or “No Smoking” symbol may be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited. (Sec. 7.910.1)

- ❖ Where smoking is allowed, signs shall be posted, conspicuously, clearly, and legibly, and include the following words: “WARNING, SMOKING ALLOWED IN THIS FACILITY. THE SURGEON GENERAL HAS DETERMINED THAT SECONDHAND SMOKE CAN BE HARMFUL.” (7.910.2)
- ❖ All ashtrays must be removed from any area where smoking is prohibited by the owner, operator, manager, or other person in control. Provisions may be made at an entrance to an area where smoking is prohibited for the extinguishing of cigarettes and other tobacco products, which refer to a cigarette or butt holder at the entrance of a non-smoking facility. (Sec. 7.910.3)
- ❖ Posting of signs identifying the nonsmoking distance is optional (7.910.4)
- ❖ Signs shall be posted within ninety (90) days from February 10, 2011. (May 11, 2011)

NON-RETALIATION (Sec. 7.911)

No person or employer shall discharge, refuse to hire, or retaliate against an employee, applicant for employment, or customer if that employee, applicant, or customer exercises any rights under this Article or reports or attempts to prosecute a violation of this Article.

ENFORCEMENT (Sec. 7.912):

- ❖ Director of Environmental Health or designee, in coordination with other officials, is responsible for enforcement (7.912.1)
- ❖ All Commercial Water Utility Accounts in the City shall be sent notice of the provisions of this ordinance, and any new applicants will be advised of the same. (7.912.2)
- ❖ Complaints can be called to the Environmental Health Office at 657-4493 or a sworn complaint may be given at Municipal Court, 110 S. Emerick. (7.912.3)
- ❖ Health Inspectors and Fire Inspectors (Marshals/Inspectors) shall inspect for compliance during mandated and other routine or complaint inspections. (7.912.4)
- ❖ Health Inspectors, Fire Marshals, Fire Inspectors, and Peace Officers are authorized to enforce this ordinance by citation, notice of violation, or sworn complaint in Municipal Court (7.912.4)
- ❖ Owners, Managers, Operators, or other person in control of an establishment regulated by this article: (Sec. 7.912.5)
 - Shall ask a person to stop smoking
 - Shall immediately advise that person that failure to comply will require the proper authorities to be summoned (Non-emergency Dispatch, 657-4315)
- ❖ An employee of the establishment or private citizen witnessing a violation of this Article and identifying the violator may file a sworn complaint at Municipal Court, 110 S. Emerick. (7.912.6)
- ❖ The City Attorney may apply for injunctive relief to enforce provisions in court (7.912.7)

VIOLATIONS AND PENALTIES (Sec. 7.913):

- ❖ An individual will be fined \$100 (Sec. 7.913.1)
- ❖ The owner, manager, operator or person in charge will be fined (Sec. 7.913.2):
 - \$200 for first violation
 - \$300 for second violation within one year
 - \$500 for each additional violation within one year
- ❖ Each day of the violation is a separate and distinct violation (Sec. 7.913.3)
- ❖ A violation of this ordinance declared a public nuisance and abated by the City, may allow the City to recover the reasonable costs of any court enforcement action seeking abatement of such nuisance. (7.913.4)

