

1. When does this ordinance go into full effect?

The ordinance goes into full effect on September 14, 2016.

2. Where is smoking prohibited?

Smoking is prohibited in all enclosed public places within the City of Pharr. This includes but is not limited to:

- Aquariums, galleries, libraries, and museums;
- Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels;
- Bars;
- Billiard halls;
- Bingo facilities;
- Comedy clubs;
- Convention facilities;
- Elevators;
- Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance;
- Gaming facilities;
- Health care facilities;
- Childcare and adult day care facilities;
- Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- Polling places;
- Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots;
- Restaurants, (except for outdoor seating areas) designated as smoking in accordance with subsection 62-209(d);
- Restrooms, lobbies, reception areas, hallways, and other common-use areas;
- Retail stores;
- Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the city or a political subdivision of the state when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the city;
- Shopping malls; and
- Sports arenas, including enclosed areas in outdoor arenas.

3. Where is smoking prohibited outdoors?

Smoking is prohibited in the following outdoor places:

- Within a reasonable distance of twenty (20) feet outside entrances, operable windows and ventilation system of enclosed areas, where smoking is prohibited so as to ensure tobacco smoke does not enter those areas;
- Zoo facilities and grounds;
- In, and within twenty (20) feet of, all outdoor sports arenas, stadiums, and amphitheaters;
- In, and within twenty (20) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the city;
- In, and within twenty (20) feet of, all pavilions and playgrounds located within city-owned parks;
- Within the public right-of-way and any seating located within the public right-of-way or on other city-owned property along the entire parade route of all city-sponsored parades for a period beginning two (2) hours before the start of each parade until one hour after the conclusion of each parade. This prohibition will not apply to those areas where smoking is permitted under 62-206(3) or to any other private property.

4. What is a public place?

Public place, as defined in O-2016-17 is defined as an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, bingo facilities, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child day care or health care facility.

5. Are private businesses and places of employment regulated by the smoking ordinance?

Yes, smoking will be prohibited in all enclosed areas within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, employee lounges, restrooms, and all other enclosed areas.

6. As a business owner in the City of Pharr, what must I do to comply with the law?

- Employers must ensure that their employees are fully aware of the prohibitions on smoking and the requirements of the City's smoking ordinance by September 14, 2016.
- All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by the owner, operator, manager, or other person having control of the areas.
- Every public place and place of employment where smoking is prohibited by this chapter shall inform persons violating the smoking ordinance of the appropriate provisions thereof.
- Post signage as required in O-2016-17.

7. Can I declare my establishment as nonsmoking?

Yes, in accordance with Section 62-208, notwithstanding any provision of this chapter, an owner, operator, manager, or other person in control of an establishment facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

8. What are the penalties for violation of the smoking ordinance?

Any person, firm, corporation, agent, employer or employee who intentionally, knowingly, recklessly or with criminal negligence violates any provision of this chapter shall, upon conviction, be fined an amount not more than two hundred dollars (\$200.00); provided, however, that in the event a defendant has previously been convicted under this chapter, such defendant shall be fined an amount not more than five hundred dollars (\$500.00) for a second conviction hereunder, and shall be fined an amount not more than two thousand dollars (\$2,000.00) for a third conviction hereunder and for each conviction thereafter. Each day that a violation is committed or permitted to exist shall constitute a separate offense.

9. Are there exceptions for certain public places where smoking may be allowed?

Yes, Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of sections 62-202, 62-203 and 62-204:

- Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five (25) percent of rooms rented to guests in a hotel or motel may be so designated;
- Outdoor areas except those listed specifically in the provisions in section 62-205;
- Outdoor seating areas of restaurants designated as smoking areas in accordance with subsection 62-209(d);
- Private clubs in existence as of the effective date of this chapter, and as defined in 62-200, including Veterans of Foreign War (VFW) posts;
- Private residences, except when used as a child care, adult day care, or health care facility;
- Retail tobacco stores; provided, however, that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter; and
- Tobacco product manufacturing facilities.

10. Are smoking permits required for my business?

The City of Pharr does not issue any type of smoking permit. Permits are not required for those areas exempt and not regulated.

11. Are signs needed for public places where smoking is prohibited?

Yes, "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager, or other person in control of that place (See Sec. 62-209).



12. Where can I obtain required signage?

Required signage may be purchased commercially.

13. Are signs needed for public places where smoking is allowed and where can I obtain them?

Areas which are exempt from the provisions of sections 62-202 and 62-203 of this Chapter shall post a standard sign at each entrance, to be designated by the city informing potential patrons that the area allows smoking, and warning patrons of the negative health effects associated with secondhand smoke.

The city will provide the signs required under subsection 62-209(d) to the owners or operators required to comply with subsection 62-209(d) at a reasonable and appropriate cost.

14. How will complaints be handled and who enforces the ordinance?

The Police Department, Fire Department and Code Compliance Division, in addition to any authority having jurisdiction to enforce city ordinances, shall have authority to enforce the provisions of this chapter.

Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Police Department.

The Police Department, Fire Department and Code Compliance Division, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.

An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.

Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.



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SMOKE-FREE PHARR



WHAT YOU NEED TO KNOW AS A BUSINESS OWNER



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