

Lindale SHS Ordinance Profile by Protection Level, Setting Details, and Enforcement and Penalties

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND

| | | | |
|--------------|---------|----------------------|----------|
| Municipality | Lindale | Population | 4,818 |
| County | Smith | Public Health Region | 4 |
| History | Current | Passage Date | 5/3/2011 |

PROTECTION LEVEL

SETTING

| | | | |
|--------------------------|-----------------|---------------------------|-----------------|
| Municipal Worksites | 100% Smoke Free | Bars – In Restaurants | 100% Smoke Free |
| Private Sector Worksites | 100% Smoke Free | Bars – Not in Restaurants | 100% Smoke Free |
| Restaurants | 100% Smoke Free | | |

*100% Smoke Free (5) - No smoking allowed in a particular setting; Moderate (4) - Designated smoking areas are allowed if separately ventilated; Mixed (3) - Coverage is partial due to exceptions, ambiguities, or legal issues; Limited (2) - Designated smoking areas allowed or required; No Coverage (1) - No restrictions on smoking. Minor exceptions may exist.

DEFINITION OF SMOKING

Smoking defined as: Cigar, cigarette, pipe, inhaling, exhaling, burning, or carrying any weed or plant in any manner or in any form

SETTING DETAIL

| BARS | In Restaurants | Not in Restaurants |
|---------------------------------------|----------------|--------------------|
| Bars Defined by % of Sales of Alcohol | No | No |
| Age Restriction | No | No |
| Restriction for outdoor seating | Yes | Yes |

If bars are stated, but no distinction made between bars located in restaurants and/or those not in restaurants, it is assumed that restrictions and/or exemptions apply equally to both.

| WORKSITES | Municipal | Private |
|---|-----------|---------|
| Exemption for minimum number of employees | Yes | Yes |
| Number of Employees | 1 | 1 |
| Non-retaliation | Yes | Yes |
| Non-smoker's rights | Yes | Yes |
| Written policy | Yes | Yes |
| Signage | Yes | Yes |

| RESTAURANTS | RADIUS FROM OUTSIDE DOORS | |
|---------------------------------|---------------------------|------------------|
| Exemption for minimum seating | No | Exempt |
| Number of seats | | Restriction |
| Signage | Yes | Distance in Feet |
| Restriction for outdoor seating | Yes | 20 |

ENFORCEMENT AND PENALTIES

ENFORCEMENT

Enforcement Authority: Law officer, other city official, business representative

| PENALTY | To Business | To Smoker |
|---|-------------|-----------|
| Penalty | Yes | Yes |
| Fine | Yes | Yes |
| Minimum/Maximum | \$0/\$300 | \$0/\$300 |
| Increase for Subsequent Fine | No | No |
| Minimum/Maximum for 2 nd Offense | \$0/\$500 | \$0/\$500 |
| Minimum/Maximum for 3 rd Offense | \$0/\$500 | \$0/\$500 |
| Minimum/Maximum for Subsequent Offenses | \$0/\$500 | \$0/\$500 |
| Other Penalties | Yes | Yes |
| Loss of License (business) or Violation Notice (smoker) | No | No |
| Criminal Charge | Yes | Yes |
| Increase in Other Penalties for Subsequent Offenses | No | No |

NARRATIVE SUMMARY

Smoking is prohibited (100% smoke free) in municipal worksites, private worksites, restaurants, bars in restaurants and bars not in restaurants. Fines up to \$500 and other penalties exist for violations by businesses and smokers. Law officers, other city officials and business representatives are enforcers.