

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

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND			
Municipality	Penitas	Population	4,403
County	Hidalgo	Public Health Region	11
History	Current	Passage Date	3/1/2017
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, electronic or digital smoking device, pipe, any lighted or heated tobacco, nicotine, or plant product			
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	No	No	
Written policy	No	No	
Signage	Yes	Yes	
RESTAURANTS	RADIUS FROM OUTSIDE DOORS		
Exemption for minimum seating	No	Exempt	No
Number of seats		Restriction	Yes
Signage	Yes	Distance in Feet	25
Restriction for outdoor seating	Yes		
ENFORCEMENT AND PENALTIES			
ENFORCEMENT			
Enforcement Authority:	Law officer, fire official, other city official, business representative, private individual		
PENALTY	To Business	To Smoker	
Penalty	Yes	Yes	
Fine	Yes	Yes	
Minimum/Maximum	\$0/\$200	\$0/\$200	
Increase for Subsequent Fine	No	No	
Minimum/Maximum for 2 nd Offense	\$0/\$500	\$0/\$500	
Minimum/Maximum for 3 rd Offense	\$0/\$2000	\$0/\$2000	
Minimum/Maximum for Subsequent Offenses	\$0/\$2000	\$0/\$2000	
Other Penalties	No	No	
Loss of License (business) or Violation Notice (smoker)	No	No	
Criminal Charge	No	No	
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 \$2,000 exist for violations by businesses and smokers. Law officers, fire officials, other city officials, business representatives, and private individuals are enforcers.			