

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

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND

| | | | |
|--------------|-------------|----------------------|-----------|
| Municipality | West Orange | Population | 3,443 |
| County | Orange | Public Health Region | 5 |
| History | Current | Passage Date | 9/18/1995 |

PROTECTION LEVEL

SETTING

| | | | |
|--------------------------|-------------|---------------------------|-------------|
| Municipal Worksites | Mixed | Bars – In Restaurants | No coverage |
| Private Sector Worksites | No coverage | Bars – Not in Restaurants | No coverage |
| Restaurants | No coverage | | |

*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: Any tobacco 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 | No | No |

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 | No | No |
| Number of Employees | | |
| Non-retaliation | No | No |
| 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 | No |
| Signage | Yes | Distance in Feet | |
| Restriction for outdoor seating | No | | |

ENFORCEMENT AND PENALTIES

ENFORCEMENT

Enforcement Authority: None

PENALTY

| | To Business | To Smoker |
|---|-------------|------------|
| Penalty | No | Yes |
| Fine | No | Yes |
| Minimum/Maximum | \$0/\$0 | \$10/\$200 |
| Increase for Subsequent Fine | No | No |
| Minimum/Maximum for 2 nd Offense | \$0/\$0 | \$10/\$200 |
| Minimum/Maximum for 3 rd Offense | \$0/\$0 | \$10/\$200 |
| Minimum/Maximum for Subsequent Offenses | \$0/\$0 | \$10/\$200 |
| Other Penalties | No | Yes |
| Loss of License (business) or Violation Notice (smoker) | No | No |
| Criminal Charge | No | Yes |
| Increase in Other Penalties for Subsequent Offenses | No | No |

NARRATIVE SUMMARY

Protection is mixed in municipal worksites, with designated smoking areas allowed if separately ventilated. However, coverage is partial due to exceptions, ambiguities, or legal issues. No protection is provided in private worksites, restaurants, bars in restaurants and bars not in restaurants. Fines and penalties exist for violations by smokers. No enforcer is named.