

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

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND

Municipality	Prosper	Population	9,423
County	Collin	Public Health Region	3
History	Current	Passage Date	9/11/2007

PROTECTION LEVEL

SETTING

Municipal Worksites	100% Smoke Free	Bars – In Restaurants	100% Smoke Free
Private Sector Worksites	Limited	Bars – Not in Restaurants	No coverage
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, device containing lighted or burning tobacco products

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	Yes	Yes
Number of Employees	5	5
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	10

ENFORCEMENT AND PENALTIES

ENFORCEMENT

Enforcement Authority:

PENALTY	To Business	To Smoker
Penalty	Yes	Yes
Fine	Yes	Yes
Minimum/Maximum	\$0/\$2,000	\$0/\$2,000
Increase for Subsequent Fine	No	No
Minimum/Maximum for 2 nd Offense	\$0/\$2,000	\$0/\$2,000
Minimum/Maximum for 3 rd Offense	\$0/\$2,000	\$0/\$2,000
Minimum/Maximum for Subsequent Offenses	\$0/\$2,000	\$0/\$2,000
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, restaurants, and bars in restaurants. Protection is limited in private worksites and bars not in restaurants with designated smoking areas allowed or required. Fines up to \$2,000 and other penalties exist for violations by businesses and smokers. No enforcer is named.