

Excerpts of the city's smoking restriction ordinance appear below. For a complete copy, call (903) 457-3121 or stop by the W. Walworth Harrison Library at #1 Lou Finney Lane. If you have questions about the ordinance, please call the Public Health Department at (903) 457-3146.

ORDINANCE NO. 99-098

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING SECTION 5.1700 "SMOKING RESTRICTION IN PUBLIC PLACES" OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE; PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER JANUARY 1, 2000.

SECTION 1. Section 5.1700 of the Code of Ordinances of the City of Greenville, Texas, is hereby amended to read as follows:

**§ 5.1700 SMOKING RESTRICTION IN PUBLIC PLACES**

**§ 5.1701 Definitions** {not printed here - see original source}

**§ 5.1702 Smoking Prohibited**

(a) Except as otherwise provided, smoking shall be prohibited in the following places:

- (1) Elevators.
- (2) Public forms of transportation, including, but not limited to, buses, vans and taxicabs.
- (3) Public rest rooms.
- (4) Service lines.
- (5) Retail stores.
- (6) Public areas of galleries, libraries and museums when open to the public.
- (7) Theaters.
- (8) Sports arenas and convention halls.
- (9) Polling places.
- (10) Child care facilities.
- (11) Within fifteen (15) feet of any entrance of a public place through which the public can gain initial access to the facility.
- (12) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the City of Greenville or any political subdivision of the State during such

time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City.

(13) Waiting rooms, hallways, wards and rooms of health care facilities, including, but not limited to, hospitals, clinics, physical therapy, mental health and drug and alcohol treatment facilities, and doctors' and dentists' offices.

(14) Lobbies, hallways, and other common areas in apartment buildings, condominiums, senior citizen residences, nursing homes, and other multiple unit residential facilities.

(15) Lobbies, hallways, and other common areas in multiple unit commercial facilities.

(16) Any school or educational institution operated by a business or nonprofit entity for the purpose of providing academic classroom instruction, trade, craft, computer or other technical training, or instruction in dancing, artistic, musical or other cultural activities.

(17) Any designated seating area of any public outdoor athletic facility.

(18) Notwithstanding any other provisions of this Section, any owner, operator, manager, or other person who controls any establishment or facility may declare that entire establishment or facility as a non-smoking establishment or facility.

#### **§ 5.1703 Prohibition of Smoking in Restaurants**

(a) Smoking is prohibited in indoor restaurants.

(b) The prohibition set forth above shall not apply to that portion of a restaurant which is utilized as a bar, provided that area is fully enclosed and separated from the main area of the restaurant.

#### **§ 5.1704 Prohibition of Smoking in Places of Employment**

(a) Within ninety (90) days of the effective date of this Ordinance, each employer having an enclosed place of employment located within the City of Greenville shall adopt, implement, make known and maintain a written smoking policy which shall contain at a minimum the following provisions:

(1) Prohibition of smoking in employer conference and meeting rooms, classrooms, auditoriums, rest rooms, waiting areas, hallways, stairways, elevators, and nurses' aid stations or similar facilities for the treatment of employees.

(2) Provision and maintenance of a contiguous non-smoking area of not less than two-thirds of the seating capacity and floor space in lunchrooms and employee lounges.

(3) Any employee may object to his or her employer about smoke in his or her immediate work area, in employee facilities including but not limited to rest rooms, cafeterias, and health facilities, or in areas in the work place where he or she must traverse in the course of work or to use employee facilities including but not limited to rest rooms, cafeterias, and health facilities.

(4) Using previously available means of ventilation or partition of office space, the employer must use its best efforts to reasonably accommodate the preferences of non-smoking and smoking employees. However, in doing so, no employer is required to make any expenditures or structural changes to the place of employment.

(5) If no accommodation reasonably satisfactory to all complaining employees can be reached in any given work area, the preferences of complaining employees shall prevail and the employer shall prohibit smoking in that work area. Where the employer prohibits smoking in a work area, it shall clearly mark that area with appropriate "no smoking" signs and upon request, provide signs to employees for use in designating their areas.

(b) The employer shall announce its smoking policy within ninety (90) days of adoption of this Section to all its employees working in work places in the City of Greenville and shall post its written policy conspicuously in all work places under the employer's jurisdiction and make it available upon request.

(c) Notwithstanding the foregoing provisions of this Section, every employer shall have the right to designate any place of employment, or portion thereof, as a non-smoking area. If an employer fails to implement and maintain a written smoking policy, smoking shall be prohibited on the entire premises.

(d) No employee shall be terminated or subject to disciplinary action as a result of making a complaint to an employer or the City of Greenville about smoking in the work place. Violation of this Section is subject to a civil penalty of two hundred dollars.

(1) {not printed here - see original source}

(2) {not printed here - see original source}

#### **§ 5.1705 Smoking Prohibited in any City Owned and Operated Facility**

{not printed here - see original source}

#### **§ 5.1706 Smoking-Optional Areas**

Notwithstanding any other provisions of this Ordinance to the contrary, the following areas shall not be subject to the smoking restrictions of this Ordinance:

(a) Private residences, except when used as a child care or health care facility.

(b) Bars.

(c) Retail tobacco stores.

(d) Private clubs and recreational facilities.

(e) Hotel, motel, and all other public and private conference and meeting rooms while these places are being used exclusively for private functions.

(f) A maximum of fifty (50) percent of hotel and motel rooms; provided, however, that each hotel and motel shall designate not less than fifty (50) percent of their hotel or motel rooms as non-smoking rooms. The hotel or motel rooms designated as non-smoking rooms will have signs posted indicating that smoking is prohibited in such rooms, and ashtrays removed.

(g) *Designation of smoking area at City-owned facilities:* If the public place is a park, athletic facility or recreational area owned or operated by the City, the City may designate with appropriate signage only the motor vehicle parking areas of the park, athletic facility or recreational area as smoking areas.

**§ 5.1707 Signs** {not printed here - see original source}

**§ 5.1708 Enforcement**

- (a) Enforcement of this Ordinance shall be implemented by the Health Officer of the City of Greenville or his/her designee.
- (b) Any citizen who desires to register a complaint under this Ordinance may do so by filing a complaint with the Health Officer of the City of Greenville or his/her designee.
- (c) The Fire Department or the Health Department shall require, while an establishment is undergoing otherwise mandated inspections, self-certification from the owner, manager, operator or other person having control of such establishment that all requirements of this Ordinance have been met.

**§ 5.1709 Violations and Penalties**

- (a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this Ordinance to fail to comply with any of its provisions.
- (b) It shall be unlawful for any person to knowingly smoke in a public place in any area not designated as an employee smoking area or as a smoking area under this Ordinance.
- (c) It shall be unlawful for any person to knowingly smoke within 15 feet of any pedestrian entrance of a public place.
- (d) It shall be unlawful for any person to smoke in any area where smoking is prohibited under this Ordinance.
- (e) Any person who smokes in an area in which smoking is prohibited shall be subject to a fine of not less than two hundred dollars nor more than two thousand dollars for each violation.
- (f) Any proprietor(s) or other person(s) in control of a public place or work place who fail(s) to comply with this Ordinance shall be subject to both:
  - (1) a fine of up to two hundred dollars for each day a violation continues; and

(2) suspension of any license issued by the Department of Public Health for that public place for a period of up to ten days for each day of noncompliance.

(g) Any person aggrieved by the failure or refusal to comply with restrictions in any municipal building and vehicle may complain in writing to the head of the department or the agency occupying the area in which the violation took place. Said agency or department head shall respond in writing within fifteen (15) days to the complaint that he has inspected the area described in the complaint and has enforced the provisions of this Section as provided herein.

(h) Any person found guilty of defacing or removing "No Smoking" signs as required by this Ordinance shall be subject to a fine of not less than two hundred dollars nor more than two thousand dollars.