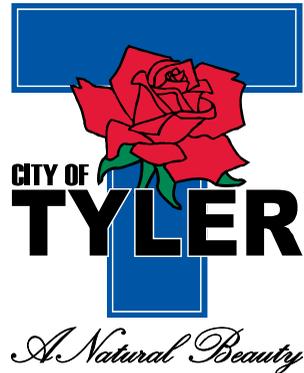




Tyler Smoking Ordinance

Frequently Asked Questions



City of Tyler

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Amending the Ordinance

On Feb. 6, 2008, the Tyler City Council voted to adopt a new smoking ordinance that prohibits smoking in public places and places of employment, including restaurants and bars.

For more information, or to read a copy of the ordinance, please visit www.cityoftyler.org.

Frequently Asked Questions

Question 1

What is the new smoking ordinance and what businesses does it cover?

Answer 1

The ordinance prohibits smoking in public places and places of employment, including restaurants, bars, pool halls, clubs, retail facilities and bingo halls. It also precludes smoking within 20 feet of outside entrances, operable windows and ventilation systems of public places and places of employment.

Question 2

When does the ordinance go into effect?

Answer 2

The ordinance goes into effect on June 1, 2008.

Question 3

Why did the City of Tyler decide to prohibit smoking in public places and in places of employment?

Answer 3

In 2006, the U.S. Surgeon General released a report detailing the harmful effects of secondhand smoke, even at very small exposure levels. The intent of the new ordinance is to improve and protect the public's health by expanding upon the previous partial smoking ban adopted in 1987 by now eliminating smoking in public places and places of employment. Overwhelming public input was received from the community in support of a stricter ordinance.

Question 4

Who is exempted?

Answer 4

City Code Section 4-47 exempts private residences, retail tobacco stores, governmental / educational institutions, outdoor areas (patios serving restaurants and bars that are at least 20 feet away from any entrance, window or ventilation system), and private organizations (those who do not operate for financial gain, are non-profit, are used exclusively for the organization and have a governing body).

Answering your questions continued...

Question 5

What steps should I take as a business owner to comply with the ordinance?

Answer 5

Educate your employees about the ordinance. You are required to post a copy of section 4-43 of the new ordinance in your place of business. Copies will be made available by the City prior to the June 1, 2008 effective date. Section 4-47 also requires that you shall have a conspicuously posted sign clearly stating NO SMOKING or displaying the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with red bar across it). The signs shall have bold lettering of not less than one (1) inch in height and must be posted at each entrance and within the building or other areas where smoking is prohibited.

In addition, ashtrays and other smoking paraphernalia shall be limited in facilities to those required for the enforcement of extinguishing of smoking materials in public places and places of employment.

The new ordinance does not go into effect until June 1, 2008, so no enforcement action will be taken prior to this date

After June 1, 2008, notify any person violating the provisions of the ordinance that your business is a smoke-free establishment. If the action does not cease, call the City of Tyler Police non-emergency number at (903) 531-1000.

No. The 20-foot distance requirement applies to all entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited by the ordinance.

Question 6

If I do not post signage or comply with the provisions of the ordinance within my business, what will happen?

Answer 6

You may be issued a citation for violating the smoking ordinance, per occurrence; and you may be punished by a fine of up to \$300 for a first offense under Sec. 4-50c of the ordinance. A second offense may be punished by a fine not to exceed \$500.

Question 7

Must I have all of the required signage in place before I am allowed to open a new business?

Answer 7

Yes. The signage must be in place prior to the issuance of a Certificate of Occupancy that allows a business to open.

Question 8

As a business owner, if I allow an employee or customer to smoke in my business in violation of this ordinance, who could be issued a citation?

Answer 8

Both the business owner and the smoker are in violation of the ordinance and could be issued a citation for each occurrence.

Question 9

Does the 20-foot requirement apply only to the front entrance of a public place or place of employment?

Answer 9

No. The 20-foot distance requirement applies to all entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited by the ordinance.

Question 10

If my business has a separately ventilated, fully enclosed break room for my smoking employees, may I allow employees to smoke within this room?

Answer 10

No, there is no exemption for break rooms.

Question 11

If my restaurant or bar has an outdoor patio served by employees, may I allow smoking in that area?

Answer 11

Yes, subject to a 20-foot distance requirement. Patios are included in the definition of "outdoor area" in City Code Section 4-46.

The term "outdoor area" shall mean an outdoor area that does not have a roof, and has at least one side which does not extend to the ceiling or is not solid.

For information on building permits, contact the City of Tyler Development Services Department at (903) 531-1171.

Question 12

What outdoor areas are covered by the ordinance?

Answer 12

Boarding and waiting areas of public transportation systems, City parks, playgrounds and recreation areas. (Smoking on private boats on City lakes is allowed.)

Question 13

May I smoke in my car at City parks or in the parking lot of public buildings?

Answer 13

Yes. The ordinance does not preclude smoking in private vehicles as long as the smoke does not infiltrate areas where smoking is prohibited. Smoking is not allowed on buses or other public transportation vehicles.

Question 14

Can residents of an apartment complex smoke at the complex's pool area, laundry room, hallways or offices?

Answer 14

Smoking is prohibited in all enclosed public places as well as within 20 feet of all entrances, operational windows and ventilation systems. If the area is open air and does not fall within the 20-foot requirement, then smoking would be permitted.

Question 15

If I witness a violation of the smoking ordinance, how do I report it?

Answer 15

The new ordinance does not go into effect until June 1, 2008, so no enforcement action will be taken prior to this date. To report a violation, call the Police Department non-emergency phone line at (903) 531-1000.

For more information about the Smoking Ordinance or to download a *Business Owner Kit*, please visit www.cityoftyler.org.

