

GENERAL INFORMATION

1. Where is smoking prohibited?

Except in designated enclosed areas, smoking is prohibited in all enclosed public places within the City of Lubbock. Smoking is prohibited outdoors within 20 feet of any public entrance of an establishment. Some exceptions apply. (See question 15).

2. What is a public place?

Public place means an indoor enclosed area that is used by the general public, to which the public is invited or in which the public is permitted.

Examples include, but are not limited to: most enclosed facilities, grocery stores, restaurants, cafeterias, schools, a library, a health care facility, court room, banks, reception areas, and many other indoor businesses or places.

3. Are private businesses regulated by the smoking ordinance?

Most private businesses are regulated. However, a business that is primarily not open to the public and employs no person other than the owner, or the person in charge, shall be exempt.

4. As an owner of a business, what must I do to comply with the law?

First, determine if you want to prohibit or allow smoking in your establishment.

If you choose to go completely smoke-free, you need to remove all ashtrays and other smoking paraphernalia from any area where smoking is prohibited. Place a sign at every public and employee entrance clearly stating that smoking is prohibited.

All businesses choosing to allow smoking must apply for a yearly permit (note: restrictions may apply), install a separately enclosed room with a separate HVAC system supplying a minimum of 30 CFM outdoor air exchange per person for the designated smoking area (unless an exception applies), and place smoking warning signs at all public and employee entrances.

5. Where do I obtain a smoking permit for my business?

Obtain the permit at City Hall from Environmental Health Department, Room 105, 1625 13th street.

6. Is smoking allowed in public areas of a fast-food restaurant and how is fast-food defined?

Smoking is not allowed by the general public in a fast-food restaurant. Fast-food establishments are defined as having limited fast-food only menus, no waitstaff other than counterstaff, and a passout window for delivery of food to be consumed off premises. A passout window is not required if the establishment is located within a shopping center as defined in the city zoning ordinance. Cafeterias and establishments where beverages must be consumed on the premises are not considered fast-food restaurants.

7. What is the effective date of this ordinance and what other dates are of importance?

The effective date is July 22, 2001.

8. Will a new business owner or establishment be able to obtain a smoking permit after the 90 day, October 21, 2001 deadline?

Yes. New business owners building a new facility and desiring to allow smoking in the facility should incorporate the designated smoking area with a separate HVAC and a separate enclosed room into the building plans and obtain the required permit.

SMOKING AREA REQUIREMENTS

9. What is required to designate a smoking area?

The area must be physically enclosed and separated from non-smoking areas, be ventilated with a separate heating, ventilation, and air conditioning (HVAC) system supplying a minimum of 30 CFM outdoor air exchange per person and be under negative pressure, and if used for employee purposes as the designated smoking area, you must provide an area that is smoke free to non-smoking employees that has the same services and privileges.

10. What happens if I have mechanical failure with the separate HVAC system?

Smoking would no longer be allowed anywhere in the enclosed facility during times the HVAC is improperly working.

11. Does the smoking area have to be a separate room?

Yes. However, there are expectations, which include bars, cocktail lounges, tobacco product retail stores, private clubs, and sports grills. Bingo parlors for which a certificate of occupancy was issued prior to January 1, 2001 do not require separate rooms.

12. Are there restrictions on where I have to locate a designated smoking area in my building?

Yes. Certain restrictions do apply. For example, you cannot have a designated smoking area in an elevator, service line, restroom, or a place prohibited by the fire marshal.

13. Who designates the 20-foot non-smoking distance from a public entrance?

A general recommendation would be for the owner of a business to place all tobacco receptacles at least 20 feet from any public entrance. No specific marking of a smoke-free zone is required.

14. What is the maximum amount of area that can be reserved for smokers in most eligible businesses?

Separately enclosed and separately ventilated smoking areas, comprising not more than thirty (30) percent of the allowable area shall be designated as the smoking area if the proprietor desires to permit smoking. Existing businesses with existing smoking areas have until July 22, 2004 to comply with this 30% restriction if they obtain a smoking permit.

EXCEPTIONS

15. Are there exceptions for certain public places where smoking may be allowed?

YES.

- ⇒ Meeting rooms for private functions having a separate HVAC system and physically enclosed and separated from non-smoking areas. Building owner must obtain permit.
- ⇒ Bars and cocktail lounges. Owner must obtain permit.
- ⇒ Retail stores primarily providing tobacco products, as long as they do not share a

- ⇒ common HVAC system with another tenant. Building tenant must obtain permit.
- ⇒ Private clubs owned by their members. Club must obtain permit.
- ⇒ Sports grills. Owner must obtain permit.
- ⇒ Private residences, unless it is used as a childcare, adult day care, health care facility, or other place of employment.
- ⇒ Designated hotel and motel rooms rented to guest Hotel owner must obtain permit.
- ⇒ Outdoor areas, except when within 20 feet of a public entrance. No permit required for outdoors.
- ⇒ Restaurants and other public places having separately enclosed designated smoking areas with separate HVAC ventilation. Owner must obtain permit.
- ⇒ Bingo parlors with a certificate of occupancy issued prior to January 1, 2001. Owner must obtain permit.
- ⇒ Single person business with no employees, not primarily open to the public, and no common sharing of a HVAC with other businesses. No permit required.

SIGNS

16. Are signs needed for public places where smoking is prohibited?

Yes. Every public place prohibiting smoking shall have posted at every public and employee entrance a conspicuous sign, clearly stating that smoking is prohibited. The size of the sign is not specified. "NO SMOKING" smoking signs can be obtained from the American Cancer Society.

17. Are signs needed for public places where smoking is allowed?

Yes. Signs must be displayed at all public and employee entrances to all buildings where smoking is allowed. Such signs shall have dimensions of nine inches by fifteen inches (9"x15") and small contain the following language: "WARNING, SMOKING ALLOWED IN THIS FACILITY — THE CITY OF LUBBOCK HEALTH BOARD HAS DETERMINED THAT SECOND HAND SMOKE IS UNSAFE".

OFFENSE, PENALTY, ENFORCEMENT

18. What should I do if someone smokes in my business and is not in a smoking area?

Simply ask them to extinguish their smoking material or move to a designated smoking area.

19. What if the customer refuses to move or extinguish his smoking material?

Environment Health Department may be contacted by either the business owner or the general public, although this is not requirement.

20. Who should I contact to enforce this ordinance, file a complaint, or obtain additional information?

Only Environmental Health Department with the City of Lubbock should be called at 775-2928. DO NOT call the Fire Department, Police Department, or 911.

21. What penalty could be assessed to an individual or a business not complying with this law?

Violation of any provision shall be deemed a Class C misdemeanor with a fine not to exceed \$2000.00.

Questions or complaints:

Environmental Health Department

1625 13th Street Room 105

Lubbock, Texas 79405

Phone: (806) 775-2928

Fax: (806) 775-3281

City Website: <https://ci.lubbock.tx.us>

Email: Refer to links found at website

CITY OF LUBBOCK SMOKING ORDINANCE NO. 2001-00060



EFFECTIVE DATE JULY 22, 2001

What You Need To Know as a Business Owner