

**10. Are smoking permits required for my business?**

The City of Edinburg does not issue any type of "smoking permit". Permits are not required for those areas exempt and not regulated.

**SIGNS**

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

Yes. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited.

*Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.*



**12. Where can I obtain required signage?**

Required signage may be purchased commercially.

**13. Are signs needed for public places where smoking is allowed & where I can obtain?**

Yes. Areas which are exempt shall post a standard sign at each entrance, to be designated by the city informing potential patrons that the area allows smoking, and warning patrons of the negative health effects associated with secondhand smoke.

The warning statement should read:

***Tobacco smoke causes cancer, heart and lung disease, and can harm your baby.***

**Question # 13. (cont)...**

City of Edinburg will provide basic cardstock signage at a reasonable charge or more permanent signage can be purchased commercially.

**ENFORCEMENT**

**14. How will complaints be handled and who enforces the ordinance?**

- The City of Edinburg Police & Fire Departments, and Code Enforcement Division, in addition to any authority having jurisdiction to enforce city ordinances, shall have authority to enforce the provisions of this chapter.
- Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City of Edinburg Police Department.
- The City of Edinburg Police & Fire Departments, and Code Enforcement Division, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.
- An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.
- Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.

*This brochure is provided to give a general summary of information regarding the City of Edinburg's smoking ordinance. For more detailed information please review the complete smoking ordinance at:*

<http://www.cityofedinburg.com>

*then click "Smoking Ordinance" on the homepage.*

You may also contact the City of Edinburg Planning and Zoning Department/ Code Enforcement Division with any questions you may have regarding the ordinance at 956-388-8202 or 8203.



**Smoking Ordinance  
Chapter 94**

**WHAT YOU NEED TO  
KNOW AS A  
BUSINESS OWNER**

**EFFECTIVE DATE  
December 1, 2015**

**City of Edinburg  
Planning & Zoning Department  
415 W. University Drive  
Edinburg, Texas 78541  
Phone: (956) 388-8202**

Website: [www.cityofedinburg.com](http://www.cityofedinburg.com)

*Created December 15, 2015*

# GENERAL INFORMATION

## Questions & Answers

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### 1. What is the effective date of this ordinance?

December 1, 2015.

### 2. Where is smoking prohibited?

After the effective date, smoking (which includes e-cigarettes & vaping) will be prohibited in **all enclosed public places** within the city of Edinburg, including but not limited to the following places: aquariums, galleries, libraries, and museums, areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public; bars, billiard halls, bingo facilities, comedy clubs, convention facilities, elevators, facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance; gaming facilities; healthcare facilities, childcare and adult day care facilities; lobbies, hallways, and other common areas; polling places, public transportation facilities, restaurants, restrooms and other common-use areas in apartments, condominiums, trailer parks; retail stores, places of meeting or public assembly, shopping mall and sports arenas, including enclosed areas in outdoor arenas

### 3. What is a public place?

Public place means an enclosed area to which the public is invited or in which the public is permitted. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

*Examples include, but are not limited to: banks, bars, bingo facilities, educational facilities, gaming facilities, healthcare facilities, hotels and motels, Laundromats, public transportation facilities, restaurants, shopping malls, sports arenas, theaters, and waiting rooms.*

### 4. Are private businesses and places of employment regulated by the smoking ordinance?

Yes. Smoking will be prohibited in all enclosed areas within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, employee lounges, restrooms, and all other enclosed areas.

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

- Employers must inform and educate their existing employees about the prohibitions on smoking and the requirements of the City's smoking ordinance by January 1, 2016 and all prospective employees upon their application for employment.
- All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by the owner, operator, manager, or other person having control of the areas.
- Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating the smoking ordinance of the appropriate provisions thereof.
- Post signage as required.

### 6. Where is smoking prohibited outdoors?

Smoking is prohibited in the following outdoor places:

- In & within 20 feet of all outdoor sports arenas, stadiums, and amphitheaters;
- In and within 20 feet of outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited.
- In and within 20 feet of all outdoor public transportation stations, platforms, and shelters under the authority of the city; and
- In & within 20 feet of all pavilions and playgrounds located within city-owned parks.

### 7. Can I declare my establishment as nonsmoking?

Yes. Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

### 8. What are the penalties for violation of the smoking ordinance?

Any person, firm, corporation, agent, employer or employee who intentionally, knowingly or recklessly violates any provision of this chapter shall, upon conviction, be fined an amount not more than two hundred dollars (\$200.00); provided, however, that in the event a defendant has previously been convicted under this chapter, such defendant shall be fined an amount not more than five hundred dollars (\$500.00) for a second conviction hereunder, and shall be fined an amount not more than two thousand dollars (\$2,000.00) for a third conviction hereunder and for each conviction thereafter. Each day that a violation is committed or permitted to exist shall constitute a separate offense.

## EXCEPTIONS

### 9. Are there exceptions for certain public places where smoking may be allowed? YES.

- Hotel and motel rooms that are rented to guests and are designated as smoking rooms;
- Outdoor areas **except** those listed specifically in Question 6;
- Outdoor seating areas of restaurants designated as smoking areas in accordance with the ordinance;
- Private clubs (non-profit, fraternal organizations in existence as of the effective date of this chapter including Veterans of Foreign War (VFW) posts);
- Private residences, except when used as a licensed childcare, adult day care, or health care facility;
- Retail tobacco stores; provided, however, that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter; and
- Tobacco product manufacturing facilities.