

Waxahachie Smoke-free Ordinance:

Frequently Asked Questions

Q: What is the Waxahachie Smoke-free Ordinance?

A: The Waxahachie Smoke-free Ordinance (Ord. No. 2757) is a local law adopted by the Waxahachie City Council. It requires all Waxahachie enclosed public places and workplaces, all inside common areas of multi-unit housing and trailer parks, and certain other outdoor facilities and spaces to be 100% smoke-free as of September 18, 2014.

Q: What does the ordinance require?

A: The ordinance requires the following areas to be smoke-free:

- Enclosed public places within the City of Waxahachie, including buildings and vehicles owned, leased, or operated by the City of Waxahachie, including parking decks to city owned operated buildings
- Enclosed places of employment and vehicles used during employment
- Childcare and adult daycare facilities
- Public transportation vehicles
- Private clubs
- Enclosed residential facilities, including all private and semi-private nursing home rooms and 90% of hotel and motel sleeping rooms rented to guests
- Within 25 feet of any outside entrances, operable windows, and ventilation systems of any buildings required to be smoke-free
- In and within 25 feet of outdoor public transportation stations, platforms, and shelters
- In all outdoor arenas, stadiums, and amphitheaters, and within 25 feet of bleachers and grandstands
- In all outdoor service lines, including for drive-up window service, for both pedestrians and persons in vehicles who are within 25 feet of the point of service
- Indoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities

Q: How does the ordinance affect private property?

A: The ordinance applies to any enclosed area the public is permitted to enter, regardless of ownership, and all places of work without exception. The ordinance applies to all private clubs. The ordinance does not apply to private residences, unless they are used to operate an adult or child daycare or health care facility.

Q: What constitutes smoking?

A: Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, hookah or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article.

Q: What is an "enclosed area?"

A: Enclosed Area means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

Q: What is a "place of employment?"

A: A place of employment is an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

Q: Are there any exceptions to the ordinance? See Waxahachie Smoke-free Ordinance 2757 (section 1009).

A: Yes. The law does not apply to:

- Private residences, unless the residence is used as a childcare, an adult day care, or a health care facility, and except as provided in Section 1007.
- Retail tobacco stores in freestanding physical facilities with isolated venting and air controls.
- Personal Automobiles
- Not more than 10% of hotel and motel rooms rented to guests and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous. Smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article.
- Outdoor areas of places of employment except those covered by the provisions of section 1008.
- A Hookah Lounge that as of August 18, 2014 was operating as a Hookah Lounge, if all of the following requirements are met:
 - The Hookah Lounge does not allow the smoking of any tobacco products, except [Shisha], on the premises.
 - Smoke from the Hookah Lounge does not migrate into any area where smoking is prohibited pursuant to the [Section 1009]
 - The Hookah Lounge is located in a freestanding structure that shares no common walls with other establishments and is occupied solely by the Hookah Lounge.

- The Hookah Lounge does not expand in size or change its location after September 18, 2014.

Q: Why is the Waxahachie Smoke-Free Air Ordinance important?

A: The ordinance protects each individual's right to breathe smoke-free air and it protects public health. In 2006 the U.S. Surgeon General declared that there is no safe level of exposure to secondhand tobacco smoke. Exposure to secondhand smoke causes lung cancer and other fatal and debilitating diseases. It also damages infants' and children's health. Comprehensive smoke-free ordinances like the one passed in Waxahachie have been shown to be associated with a reduction in hospitalizations for heart attacks by 15% and a reduction in hospitalizations for stroke by 16%.

Q: How will the Waxahachie Smoke-Free Air Ordinance affect businesses?

A: Many recent studies show that comprehensive smoke-free laws do not adversely affect restaurants and other businesses. Businesses that become smoke-free may experience many of the following economic benefits:

- Improved health and fewer missed work days for employees
- 25-30 percent reduction in fire insurance cost, due to the reduced risk of fire
- Significantly reduced cleaning costs
- Discounts on life, disability, and health insurance for employees who are nonsmokers

Q: What does the law require of me as a business owner or operator?

A: All enclosed public places and or places of employment must be smoke-free. You must post no-smoking signs that are clearly visible at all public entrances. You must remove all ashtrays. You must inform all existing employees about Waxahachie's smoke-free ordinance by September 18, 2014, and you must inform all prospective employees of the ordinance upon their application for employment.

Q: What do I do if a customer smokes in my establishment?

A: If one of your customers smokes in any smoke-free area, indoors or outside, ask the customer to extinguish the smoking device. If the individual continues to smoke, refuse service and ask the individual to leave. If the individual continues to smoke and refuses to leave, you may contact the Waxahachie Police Department.

Q: What is the process for noncompliance with the law?

A: Most smoke-free laws are self-enforcing, once significant outreach and education has occurred and signs are posted. As with other communities that have adopted smoke-free air ordinances, the need for enforcement will likely be minimal, since most people do not smoke. However, the ordinance designates enforcement authority with city police. Also, according to the ordinance, anyone who observes a violation may make a complaint to the City of Waxahachie Police.

Q: What about designated outdoor smoking areas?

A: Secondhand smoke kills people. When people smoke outside of a building, secondhand smoke can drift inside through air intake vents, open windows, and doorways. The ordinance provides for smoke-free areas within 25 feet of all entryways, operable windows, and ventilation systems.

Q: Can residents file complaints if a designated smoke-free area, city building, workplace or enclosed public area is not in compliance?

A: Yes. If a resident is at a place of business, they can report the violation to management.

Q: Are there penalties for violating the ordinance?

A: Yes, as follows:

- A person who smokes in a smoke-free area is guilty of a misdemeanor, punishable by a fine not exceeding fifty dollars (\$50).
- Except as otherwise provided in Section 1012(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
 - A fine not exceeding one hundred dollars (\$100) for a first violation.
 - A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- A person who violates Sections 1013 through 1016 is guilty of a misdemeanor punishable fine not to exceeding \$200.00.
- In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Questions? For additional information, log on to www.Waxahachie.com or call Smoke-Free Waxahachie at 972-937-1042.