
Leon Valley Code of Ordinances
Chapter 6 Health and Sanitation
Article 6.05 Smoking regulations

Sec. 6.05.005 Regulation of smoking in food establishments

- (a) A food service establishment that has indoor or enclosed dining areas shall provide areas for nonsmoking patrons.
- (b) A nonsmoking area must:
 - (1) Be separated from the smoking areas by a minimum of four feet of contiguous floor space, a partition or a wall;
 - (2) Be ventilated and situated so that air from the smoking area is not drawn into or across the nonsmoking area, or the smoking area shall be separately ventilated;
 - (3) Be clearly designated by appropriate signs visible to patrons within the dining area indicating the area that is designated nonsmoking; and
 - (4) Have ashtrays or other suitable containers for extinguishing smoking materials at the perimeter of the nonsmoking area.
- (c) Each food establishment which has a dining area shall:
 - (1) Have and implement a written policy on smoking which conforms to this article;
 - (2) Make the policy available for inspection by employees; and
 - (3) Have signs, conspicuous to ordinary public view, at each public entrance to the establishment indicating that nonsmoking seating is available.
- (d) Non-dining areas of any food establishment affected by this section to which the public has general access, including, but not limited to, food order areas, food service areas and restrooms, shall be designated as nonsmoking areas.
- (e) It is a defense to the prosecution under this section that the food establishment is:
 - (1) An establishment which has indoor seating arrangements for less than 50 patrons;
 - (2) An establishment which has more than 70 percent of its annual gross sales in alcoholic beverages; or
 - (3) A physically separated bar area of a food service establishment otherwise regulated.
 - (4) The establishments covered in subsections (1) through (3) above shall post a sign, conspicuous to the ordinary public view, at each public entrance to the establishment which shall contain the words "This Establishment Does Not Provide for a Nonsmoking Section."

(Ord. No. 2025-4, § 1(Exh. A), 3-4-2025)