




# A Guide to Smoking in Public Places

## Understanding Topeka's Clean Indoor Air Ordinance

The new regulations will be in effect on **Friday, December 4, 2009.**

 **Purpose**  
The purpose of Topeka's new Clean Indoor Air Ordinance is to improve and protect the public's health by eliminating smoking in public places and places of employment; protect the right of nonsmokers to breathe smoke-free air; and recognize that the need to breathe smoke-free air shall have priority over the choice to smoke.

 **Smoke-free workplaces and places open to the public**  
Enclosed places that are to be smoke-free include:

- Workplaces.
- Restaurants.
- Bars, taverns, private clubs, fraternal organizations.
- All health care facilities.
- Outside within 10 feet of the main entrance or air handling unit of a public place.
- All public transportation - buses, taxis, airport, train depot.
- Service lines, retail and retail services stores, galleries, libraries and museums.
- Sports arenas, places of recreation or sport: bowling, bingo, billiards, etc.
- Theaters, places of entertainment, convention halls.
- 80% of rooms in hotels and motels.

 **Areas where smoking is allowed**

The following areas shall not be subject to the smoking restrictions of this ordinance:


- Private residences, *except when used and licensed as a childcare, adult day care or health care facility.*
- No more than 20% of hotel or motel rooms.
- Retail tobacco stores with at least 65% of revenue from sale of tobacco products.
- Outdoor places of employment.
- Restaurant patios, outdoor dining areas and courtyards (distance and enclosure rules apply)

 **Responsibilities of public building owners and operators include:**

- Not permitting, causing, suffering or allowing any person to violate the provisions of this ordinance, and taking necessary and reasonable steps to prevent anyone smoking in the public place or workplace.
- Informing others of the smoke-free regulation and posting no-smoking signs at every entrance.
- Removing all ashtrays from prohibited areas.
- Verbally asking anyone smoking to extinguish smoking material and to stop smoking immediately or to leave the premises and apply standard business procedures as for violation of any other house rule.
- Establishing a workplace smoking policy and communicating that policy to current employees within four weeks of the ordinance's adoption and providing written copies to current and newly hired employees.

 **How to receive police assistance with a non-compliant patron**

Topeka's Police Department is responsible for enforcing the provisions of this ordinance within the city limits. Patrons are encouraged to report smokers to management. If management needs assistance handling a smoker who is violating the ordinance, then the Topeka Police Department should be called at 368-9551.

 **Penalties for businesses who do not enforce the smoke-free ordinance.**

Owners/operators/managers who violate the provisions of the ordinance face the following administrative penalties:

- \$100 fine for first violation
- \$250 fine for second violation within a continuous 12-month period of the first violation.
- \$500 fine for third or subsequent violation within a continuous 12-month period of two previous violations.
- A third or subsequent violation in a 12-month period may result in the suspension or revocation of a business permit or license.

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#### **Building Signage Requirements**

Signage prohibiting smoking is required. A "No-Smoking" sign is to be displayed at every entrance. "No-Smoking" signs should have bold lettering of not less than one inch in height. The international "No-Smoking" symbol may also be used.

Downloadable Signs:

**NO SMOKING**



**CITY OF TOPEKA**  
Ordinance 19315

**NO SMOKING**



**CITY OF TOPEKA**  
Ordinance 19315



**CITY OF TOPEKA ORDINANCE 19315**



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