



## ***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.**

**Q What is the Clean Indoor Air Ordinance and what is its purpose?**

**A** The Clean Indoor Air Ordinance regulates smoking in public places and places of employment. It was adopted by the Topeka City Council and replaces a less restrictive ordinance. 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 non-smokers to breathe smoke-free air; and recognize that the need to breathe smoke-free air shall have priority over the choice to smoke.

**Q What does the phrase "public building or place" mean?**

**A** Although many businesses and establishments are privately owned, they provide public services. For purposes of this ordinance, the phrase "public building or place" includes all enclosed areas of public places and worksites that are used for the benefit of the public or for an activity that includes employees and volunteers.

**Q Is smoking in outside patios, courtyards or dining areas permitted?**

**A** Yes, if the patio, courtyard or outside dining area is not fully enclosed as described by the ordinance and abides by the 10-foot distance from the main entrance or air intake system, then smoking is permitted in that area.

**Q Are private residences (single-family homes, townhouses, condominiums, duplexes or apartments) regulated by the ordinance?**

**A** Private residences are not covered unless the owner or occupant is operating a business in which the public or employees are invited or permitted to be there. Thus, a daycare home, elderly care or health facility must be smoke free in all areas and at all times.

**Q Can business owners/operators be cited for allowing smoking in the area outside within 10 feet of a main entrance when this area extends into property owned by another party?**

**A** If the business owner/operator has controlling authority over the area within 10 feet of a main entrance, they are considered the responsible party. In addition, a person who smokes within that non-smoking area can also be cited under the ordinance.

**Q What are the responsibilities of a business owner or employer to inform employees and patrons of this ordinance?**

**A** It is the responsibility of owner(s) and manager(s) to provide a smoke-free workplace for all employees with limited exceptions. Employers within the City of Topeka shall adopt, implement, make known and maintain a written smoking policy which contains requirements that smoking shall be prohibited in all enclosed areas. A smoking policy must be communicated to all employees within four weeks of the adoption of this ordinance. The smoking policy shall be available to all current and newly hired employees.

It is also the responsibility of owner(s) or manager(s) to have a conspicuously posted sign at each entrance clearly stating that smoking is prohibited. It is the responsibility of owner(s) and manager(s) to ensure that smoking does not occur on premises that are required to be smoke free as prescribed by this ordinance.



## ***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.**

**Q How does a patron report a smoking violation?**

A Topeka's Police Department is responsible for enforcing the provisions of this ordinance within the city limits. If a patron wants to report a smoker, then the patron should first tell the management of their concern and let management address the issue. If management doesn't respond, then the Topeka Police Department should be called at 368-9551.

**Q What are the fines for violating this ordinance?**

A The Topeka police department will be responsible for enforcing the ordinance. Fines will be issued to a person or persons smoking in an area where smoking is prohibited. A \$50 per violation fine for the first violation; \$100 fine for the second violation within a 12-month period of the first violation; \$200 fine for the third and subsequent violations within a 12-month period.

An owner, manager, operator of public places or places of employment who fails to comply with this ordinance will be subject to the following fines: \$100 per violation for a first violation; \$250 per violation for the second violation within 12-month period; \$500 per violation for the third or subsequent violation within a 12-month period; three or more violations in a 12-month period could result in the suspension or revocation of a city business permit or license.

**Q Regarding a petition drive to reverse an ordinance:**

A To repeal a City ordinance, opponents can submit to the council a petition with valid signatures of 25 percent of the number of those who voted in the last city election. The petition must also have an accompanying ordinance. If the petition is valid, the council can adopt it within 20 days or give the public a vote on it within 90 days. To reverse Ordinance 19315, the petition must contain 5,744 signatures of registered voters, which is 25 percent of the 22,975 people who voted in the last municipal election on April 7, 2009.