

Penalties for Violation

Individual Accountability

Any person who violates any of the provisions of Article III. Section 245.280 is guilty of an infraction, punishable by a fine not exceeding \$50.00.

Business Owner/Manager Accountability

Any business owner, operator, manager employee or other person in control of the establishment where smoking is prohibited who violates any of the provisions of Article III. Section 245.280 is guilty of an infraction, punishable by fine or action as follows:

- \$100.00 for the first offense
- \$200.00 for any second offense within one calendar year
- \$500.00 for any third offense within one calendar year of the first offense
- A separate offense shall be determined on each day a violation occurs following the third offense
- Potential suspension or revocation of the business license for noncompliance of Article III. Section 245.280

Enforcement of Unlawful Smoking

It is unlawful for any person to smoke in an area where smoking is prohibited. It is also unlawful for any employee, agent, manager or owner of a non-smoking establishment to **not notify** any person smoking of the smoking restrictions that are lawfully applicable within that establishment.

Business owners are advised to observe the following protocols when enforcing the ordinance in a non-smoking establishment:

- Notify non-compliant individual(s) that smoking is prohibited within the establishment
- Attempt to receive voluntary compliance on behalf of the individual(s) who have failed to comply with the ordinance
- If the customer is being belligerent or threatens physical harm, contact the Blue Springs Police Department at (816) 228-0150 or 9-1-1

Questions & More Information

Should you have questions about the City of Blue Springs Smoking Ordinance, or would like to purchase smoking signage for your business after April 1, 2008, contact the Blue Springs Administration Department at (816) 228-0110 or visit the City's website at:

www.bluespringsgov.com/smoking



City of Blue Springs

903 W Main Street
Blue Springs, Missouri 64015

Phone: (816) 228-0110
Fax: (816) 228-7592
www.bluespringsgov.com

City of
Blue Springs
Missouri

Smoking Education Guide for Blue Springs' Businesses



Prepared from Blue Springs
Smoking Ordinance No. 4134

Limiting smoking in certain
places within the City

City of Blue Springs
(816) 228-0110

Business Responsibilities and Resources for Smoking in Blue Springs



Blue Springs Smoking Ordinance: *Ins & Outs*

Article III. Section 245.280

On February 4, 2008, the City of Blue Springs passed Ordinance No. 4134 amending Section 245.280 of the Municipal Code of Ordinances, limiting smoking in certain areas within the City. The purpose of this ordinance is to protect and promote the public's health by restricting the number of enclosed public places that permit smoking within the City of Blue Springs.

Accordingly, this ordinance will help create a reasonable balance between the needs of all individuals, including those too young to make choices of where they go and their exposure to second-hand smoke.

Business Responsibility

Non-Smoking Establishments

The Blue Springs Smoking Ordinance No. 4134 requires all public places and employment establishments where smoking is prohibited to:

- Conspicuously post "No Smoking" signs at every entrance used by the public
- Remove all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited by Article III. Section 245.280
- Communicate to patrons who fail to comply with this ordinance in a non-smoking establishment, that smoking is prohibited within the enclosed facility

Smoking Establishments

- Conspicuously post "Smoking" signs stating "WARNING SMOKING IS PERMITTED ON THESE PREMISES" at every entrance used by the public

Smoking Signage

- Both "Smoking" and "Non-Smoking" signs will be available for public purchase at the Tax counter at City Hall after April 1, 2008
- Businesses desiring to produce their own signs can view City-approved dimensions and examples of signs online at www.bluespringsgov.com/smoking

Effective Date

The Blue Springs Smoking Ordinance will go into full effect, limiting smoking in certain areas of the City on May 1, 2008.

All businesses, either exempt from the ordinance (allow smoking), or meeting the classification of "non-smoking" (where smoking is prohibited under the provisions of this ordinance), must be in full compliance of this ordinance by May 1, 2008.

This requires all necessary signage to be obtained and properly posted as stated in the "Business Responsibility" section of this brochure.

Places Where Smoking is Prohibited

- Any area serving as a place of employment
- Healthcare facilities, including waiting rooms, public hallways and lobbies
- City building facilities, places of public assembly in which City business is conducted including hearing rooms, conference rooms and meeting rooms
- All areas of every publicly or privately owned building or enclosed facility used primarily for exhibiting motion pictures, stage dramas, musical recitals, athletic events or any other performance or event
- All retail establishments* with one or more indoor service lines such as banks, offices, museums, gasoline stores
- All publicly or privately owned restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, sandwich shops, and soda fountains open to the public
- Gymnasiums, libraries, educational institutions, or facilities enclosing indoor swimming pools which are open to the public

*Exemptions to retail establishments explained on next page

*Places Where Smoking is Still Allowed

(Includes all retail establishments which are exempt under the smoking ordinance)

- Businesses that are licensed by the City to sell liquor by the drink for consumption **and** meet one or both of the following:
 1. Do not sell any food on the premises
 2. Have on site one or more recreational devices such as a pool or billiard table, bowling alley(s) or other recreational devices that involve physically throwing or sliding an object to score points or win games. Activities not included: foosball games, video games and dart boards
- Private residences, except when used for child care, adult care or healthcare facility
- Private clubs
- Outside eating area(s) at any restaurant
- Limousines for hire and taxicabs, where the driver and all passengers affirmatively consent to smoking in such vehicle
- Performances on the stage, provided smoking is a required part of theatrical production
- Any property owned or leased by a state or federal governmental agency
- Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20% of rooms rented to guests may be designated as smoking rooms
- Private and semi-private rooms in nursing homes and long-term care facilities occupied by one or more persons, all of whom are smokers and have requested to the management thereof to be placed in a room where smoking is permitted
- Outdoor areas of place of employment
- Retail tobacco stores where more than 50% of business is that of blending or sale of tobaccos, pipes or cigars



Has Your Business...

1. Posted either "No Smoking" or "Smoking" signs conspicuously at every entrance used by the public?

Don't Forget to...

2. Remove all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited by Article III. Section 245.280.

Remember, you must...

3. Communicate to patrons who fail to comply with this ordinance in a non-smoking establishment, that smoking is prohibited within the enclosed facility.