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CITY OF BOWLING GREEN
F O U N D E D 1 7 9 8

OFFICE OF THE CITY MANAGER

KEVIN D. DeFEBBO
City Manager

KATIE SCHALLER, CMC, CKMC
Assistant City Manager/City Clerk

ASHLEY JACKSON, CKMC
Assistant City Clerk

Dear Owner/Manager:

RE: City of Bowling Green, Kentucky, Ordinance Regulating Smoking in Public and Work Places

On January 24, 2011, the City of Bowling Green adopted Ordinance No. BG2011-5 prohibiting smoking within any building or enclosed area. Buildings and enclosed areas include commercial, industrial and office buildings and other public and work places. Dwellings, with a few exceptions: tobacco warehouses, retail tobacco shops, facilities operated by private organizations, rooms used for psychological treatment of nicotine addiction by a licensed health care professional and ventilated rooms in a hospital, hospice facility or licensed long term care facility open to all residents as a smoking room and for no other purposes are exempted from the ordinance provisions. The ordinance is effective April 28, 2011.

The City, in cooperation with the Barren River District Health Department, has developed informational packets to assist you in complying with the ordinance. The packets provide detailed information on the ordinance, including specific regulations and duties of the owners, lessees, managers or persons in control of the building and enclosed area. The packets include "No Smoking" stickers that can be used to satisfy one of the ordinance requirements, answers to frequently asked questions and a Fact Sheet dealing with the ordinance.

If you would like informational packets, "No Smoking" stickers or a copy of the ordinance, or if you have any questions about the ordinance, please contact Kim Lancaster, Executive Assistant / Public Information Office with the City of Bowling Green, at 1001 College Street, Bowling Green, 270-393-3642 or by email at Kim.Lancaster@bgky.org.

Truly yours,


Kevin D. DeFebbo,
City Manager



CITY OF BOWLING GREEN – SMOKING IN THE WORKPLACE

Bowling Green Smoke Free Ordinance No. BG2011-5 Business Kit Instructions

This Business Kit has been assembled by the Barren River District Health Department and the City of Bowling Green to assist business owners in the implementation of City Ordinance No. BG2011-5 which prohibits smoking in most work places. This kit includes “No Smoking” decals; a fact sheet; a list of frequently asked questions; and a flyer from the Barren River District Health Department on Smoking cessation.

INSTRUCTIONS FOR PLACEMENT OF NO SMOKING DECALS:

- Ashtrays and all other smoking paraphernalia are prohibited in buildings subject to the ordinance. “No Smoking” signs must be conspicuously posted at all public entrances or in a position clearly visible on entry. “No Smoking” signs must use either the international “No Smoking” symbol at least three (3) inches high or say “No Smoking” in letters at least one (1) inch high.
- The enclosed “No Smoking” decals are for use at all public entrances.
- Additional decals may be obtained by calling the Barren River District Health Department at 270-781-8039.

INSTRUCTIONS FOR PLACEMENT OF FACT SHEET

- Responsible individuals are requested to display the Fact Sheet at a location in the business where employees may easily refer to the information.

FOR MORE INFORMATION

- Additional copies of the business kit are available at the front desk of City Hall, the Barren River District Health Department, or online at www.bgky.org or www.barrenriverhealth.org.
- Specific questions related to the provisions of the ordinance should be directed to Executive Assistant/Public Information Officer Kim Lancaster at 270-393-3642.
- Additional legal questions should be referred to City Attorney Gene Harmon at 270-393-3038.
- Additional smoke-free information is available at Kentucky Center for Smoke-Free Policy at www.kcsp.uky.edu or the Americans for Nonsmokers Rights at www.no-smoke.org.

1001 College Street
Bowling Green, KY 42101

Phone: 270-393-3000
Fax: 270-393-3698
www.bgky.org

City of Bowling Green: Smoking in the Workplace



City Ordinance BG2011-5

To report a violation call

Bowling Green City Police at 270-393-4244.



CITY OF BOWLING GREEN – SMOKING IN THE WORKPLACE

Bowling Green Smoke Free Ordinance No. BG2011-5

Frequently Asked Questions (FAQ)

Q: What is Ordinance No. BG2011-5?

A: The ordinance prohibits smoking in most buildings and enclosed areas that are open to the public or used as work sites of employees.

Q: When does the law go into effect?

A: City Ordinance No. BG2011-5 will go into effect on April 28, 2011 which is 90 days after the Bowling Green Board of Commissioners passed and published the ordinance on January 28, 2011.

Q: What constitutes a building and enclosed public place and what type of businesses will be affected?

A: The ordinance defines building as any structure enclosed from the weather, whether or not windows or doors are open. Enclosed areas are defined as an area that is closed-in overhead by a roof or other covering of any material, whether permanent or temporary, and has forty (40%) percent or more of its perimeter closed-in by wall or other coverings of any material, whether permanent or temporary. The ordinance is applicable to commercial, industrial and office buildings.

Q: Where is smoking allowed?

A: The ordinance is not applicable to dwellings, including hotel and motel rooms or a hospital, hospice or nursing home room, but is applicable to the common areas of hotels, motels, hospitals, hospice facilities and nursing homes. In addition, if the dwelling is being used as a childcare facility or adult day care center, the ordinance is applicable.

Q: How far away from the building entrance does a smoker have to be to smoke?

A: The law says that smokers must be a “reasonable distance” from the entrance to a building in order to smoke. This is defined as far enough away so that the smoke does not enter the establishment through entrances, windows, ventilation systems or other means.

Q: What facilities are exempt?

A: Certain facilities are not subject to the ordinance. These include: (1) rooms used for psychological treatment of nicotine addiction by a licensed health care professional, (2) rooms that are physically separate and independently ventilated in a hospital, hospice facility or licensed long term care facility open to all residents as a smoking room and for no other purpose, (3) retail tobacco stores, (4) indoor smoking areas provided in county, state or federal governmental office buildings or work places, (5) facilities operated by private organizations, and (6) tobacco warehouses.

To report a violation, call the Bowling Green Police Department at 270-393-4244



CITY OF BOWLING GREEN – SMOKING IN THE WORKPLACE

Q: What is a private organization?

A: A private organization is an entity exempt from payment of federal income taxes, which maintains selective members, is operated by the membership, does not provide food, drink, entertainment or lodging for pay to anyone who is not a member or a member's guest and is not profit oriented. The exemption is applicable only when the private organization is using its facilities. The exemption is not applicable to any portion of the private organization's building or enclosed area that is rented out or being used by persons other than members or members' guests.

Q: How does this ordinance apply to covered patios and areas covered by canopies?

A: The ordinance only applies to enclosed areas as defined above. The "reasonable distance" from the door applies to patios as well.

Q: Where can I get "no-smoking" signs?

A: The Business Implementation Kit contains two "No-Smoking" signs. Additional signs may be obtained from the front desk of City Hall and from the Barren River District Health Department.

Q: Who will enforce the law?

A: The Bowling Green Police Department will investigate complaints as they are received. Although this ordinance is expected to be self-enforcing, occasionally, compliance with the law becomes an issue. If so, enforcement shall be by civil citation issued by the Bowling Green Police Department.

Q: If I am a patron and someone is smoking in a non-smoking place, what should I do?

A: Tell the manager/owner. If smoking continues, call the Bowling Green Police Department to initiate a complaint.

Q: If I am a Business Owner and someone is smoking in a non-smoking place, what should I do?

A: Ask the person to extinguish the smoking material immediately or to step outside to smoke. If the person refuses, ask them to leave the premises. As a last resort, call the Bowling Green Police Department at 270-393-4244. You may need to file a trespassing charge.

Q: If I am an employee and someone is smoking in a non-smoking place, what should I do?

A: Ask the person to extinguish the smoking material immediately or step outside to smoke. If the person refuses to comply, notify your supervisor or follow the procedures of your employer for reporting other violations of company policies.

To report a violation, call the Bowling Green Police Department at 270-393-4244



CITY OF BOWLING GREEN – SMOKING IN THE WORKPLACE

Q: What are the penalties for violating the ordinance?

A: Civil fines can be levied against both an individual and a business. The maximum fine for an uncontested violation shall be:

- \$25 for the first offense
- \$50 for the second offense within one year of the first offense
- \$100 for the third offense within one year of two or more offenses
- The maximum fines listed above may be doubled if the citation is contested and upheld by the Code Enforcement Board.
- Persons who smoke or fail to extinguish their smoking material where smoking is prohibited may be required to leave the premises and shall be subject to criminal prosecution for trespassing if they do not leave when asked.

Q: What kind of information will be provided to business owners explaining the smoke free law?

A: A Business Implementation Kit is provided to all establishments. These kits contain the following materials: Introduction letter, Instruction Sheet, Brochure, Fact Sheet, Frequently Asked Questions (FAQ), two “No-Smoking” signs and smoking cessation information.

Q: Can we use our break rooms for smoking as long as it is just for employees who smoke?

A: NO. The ordinance does not allow for smoking in any buildings or enclosed areas open to the public or used as work sites of employees.

Q: Is there a penalty for possession of an ashtray or not posting signs?

A: Yes (1) the law requires that all ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited. Penalties may be incurred if the owner, operator, manager or other person having control of the establishment permits these items. In addition, the law requires disabling or altering permanent structures that function or are used as an ashtray. (2) Business owners are required to post “no smoking” signs (lettering no less than 1 inch high) or symbols (no less than 3 inches) using the words “NO Smoking” or the international “No Smoking” symbol. Signs should be posted either on all public entrances or in a position clearly visible on the entry into the building or establishment. All penalties will be the same as the above mentioned civil fines.

Q: Whom do I contact for information about quitting smoking?

A: Smokers wishing to stop smoking need support. It takes planning, preparation and practice to stop smoking. For more information on classes, self-help materials, and smoking cessation web sites, contact: Barren River District Health Department at 270-781-8039, call the Kentucky Quit Line at 1-800-QuitNow, go online at BecomeAnEx.com, or talk to your healthcare provider.

For a copy of the ordinance, go to www.bgky.org

To report a violation, call the Bowling Green Police Department at 270-393-4244



CITY OF BOWLING GREEN – SMOKING IN THE WORKPLACE

FACT SHEET on Ordinance No. BG2011-5

The City of Bowling Green prohibits smoking in buildings and enclosed areas that are open to the public or used as work sites for employees.

For specific information related to buildings and enclosed areas covered by this ordinance and exemptions to the ordinance, see the City webpage at www.bgky.org

No Smoking Signs

Any building and enclosed area subject to the ordinance shall post conspicuous signs with “No Smoking” or the international “No Smoking” symbol either on all public entrances or in a position clearly visible upon entry.

All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

Reasonable Distance

Smoking is prohibited within a reasonable distance from the outside entrance to any building or enclosed space to ensure that tobacco smoke does not enter the building through entrances, windows, ventilation systems or other means.

Employer’s Responsibility with Ordinance No. BG2011-5

An owner, lessee, principal manager or person in control of the building or enclosed area shall: (1) Ensure compliance with the provisions of the ordinance, (2) Ask smokers to refrain from smoking in any “No Smoking” area, (3) use any other legal means to carry out the intent of the ordinance, (4) Ensure compliance by all employees and (5) Not retaliate against an employee, applicant for employment or customer who complies with this ordinance.

Employee’s Responsibility with Ordinance No. BG2011-5

Employees must also comply with the ordinance. Employees should request a person smoking in a “no-smoking” area to extinguish the smoking materials or step outside to a legally permissible distance. If the person refuses to comply, the employee should tell his or her supervisor or follow the policies of the employer in reporting other violations of company policies.

Smoking Cessation Information

Smokers wishing to quit need support. It takes planning, preparation and practice to stop smoking. For information on classes, self-help materials or Cessation websites, please contact the Barren River District Health Department at (270)781-8039, call the Kentucky Quit Line at 1-800-QuitNow, go online at BecomeAnEx.com, or talk to your healthcare provider.

Enforcement of Ordinance No. BG2011-5

Bowling Green City Police will investigate complaints as they are received. Violations of the requirements of the Ordinance will be documented if observed. Enforcement shall be by civil citation issued by the Bowling Green Police Department.

Any person who violates provisions of the ordinance, including a person who smokes in an area where smoking is prohibited, may be subject to the following penalties:

- \$25 for the first offense
- \$50 for the second offense within one year of the first offense
- \$100 for the third offense within one year of two or more offenses
- The maximum fines listed above may be doubled if the citation is contested and upheld by the Code Enforcement Board.
- Persons who smoke or fail to extinguish their smoking material where smoking is prohibited may be required to leave the premises and shall be subject to criminal prosecution for trespassing if they do not leave when asked.

Violations of the Ordinance may be reported to the Bowling Green Police Department at 270-393-4244

For more information, contact Kim Lancaster at 270-393-3642 or visit the City website at www.bgky.org

**The Cooper Clayton Method
to Stop Smoking**

Barren River District Health Department
270-781-8039

**800-QUIT-NOW
800-784-8669**

Kentucky Tobacco Quit Line

Trying to kick the tobacco habit?

Here are some resources
to help you succeed.
www.smokefreesoky.org

MyLastDip.com

FREE Online Resource
Smokeless Tobacco

www.BecomeAnEx.org

FREE Online Resource
Smokers

**The Cooper Clayton Method
to Stop Smoking**

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FREE Online Resource
Smokers

Is second hand smoke unhealthy?

The science is clear. There is no longer any debate that secondhand smoke is known to cause cancer, heart disease, emphysema, and stroke. Smoke is a health hazard to everyone.

Local Ordinance BG2011-5 now prohibits smoking in most public places in the City of Bowling Green.

Why an ordinance?

- Our government regulates things like food preparation, fall protection, and sneeze guards for buffet lines. Ensuring clean air is another public health measure that requires government protection.
- Business owners are responsible for providing a safe environment for their customers and employees.
- Not all workers have the option of choosing a smoke free place to work. This ordinance protects the right of all workers to breathe clean air.
- The ordinance does not take away anyone's right to smoke. Smoking is only restricted inside work places, and inside buildings that are open to the public.

SMOKERS NEED SUPPORT TO QUIT SMOKING!

It takes planning, preparation, and practice to stop smoking. For more information on classes, self-help materials, and useful smoking cessation websites, please contact:

**Barren River District
Health Department
270-781-8039**

or

**Kentucky's Tobacco Quit Line
1-800-QUIT NOW
1-800-784-8669**

The smoke free ordinance can be found on the city webpage:

www.bgky.org

The local Smoke Free Communities Coalition offers help in making the transition to a smoke free workplace:

www.smokefreesoky.org

This coalition is health care professionals, educators, and concerned citizens working together for a healthier community.

*This brochure was prepared for you
by the Barren River
District Health Department.*



SMOKE-FREE *for a* HEALTHY BOWLING GREEN



**BOWLING GREEN'S
SMOKE FREE
ORDINANCE
takes effect
April 28, 2011**

Bowling Green's Smoke Free Ordinance

Smoking is now prohibited in most buildings and enclosed areas that are open to the public, or that are used as work sites of employees.

Exceptions include:

1. Facilities operated by private organizations.
 2. Retail tobacco stores, and tobacco warehouses.
 3. Government facilities with indoor smoking areas.
 4. Other specially ventilated areas in health care facilities.
 5. Any dwelling (home), including your nursing home room if smoking is allowed by management.
- The city ordinance does apply to common areas of hospitals, hospice facilities, and nursing homes, and to any licensed child or adult daycare facility.

For definitions and details on exemptions, see the Frequently Asked Questions (FAQ) document on the City webpage:

www.bgky.org

or the Health Department webpage:
www.barrenriverhealth.org

Frequently Asked Questions

Q: *How far away from the building entrance does a smoker have to be to smoke?*

A: The ordinance states you must be "a reasonable distance" from the outside entrance of any enclosed public place.

Q: *Is there a fine?*

A: Yes. Here are the penalties:
* \$25 for the first offense
* \$50 for the second offense
* \$100 for the third offense and each additional offense.
If the fine is contested, it may be doubled.

Q: *What if I see someone smoking in a public building?*

1. Inform the manager on duty.
2. If the manager does not ask the person to extinguish the smoking materials, wait until you leave and call the city police: 270-393-4244.

Q: *When does the ordinance go into effect?*

A: April 28, 2011

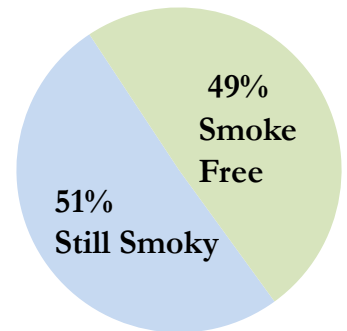
Q: *Who will enforce the ordinance?*

A: Bowling Green City Police

GOOD FOR PEOPLE
GREAT FOR BUSINESS!
Smoke Free Bowling Green

Many Bowling Green business owners/managers already recognize that business improves when they become a smoke free facility.

As of March 31, 2011, half of Warren County restaurants were smoke free.



"We are getting more families in now that we are smoke free. Everything smells better and looks cleaner. [Customers]...are tickled to death. Even people who swore they would never come back have already returned."

- Felicia Durbin, Owner of **Judy's Castle** restaurant

"People are loving it. In fact, one person posted on Facebook that maybe the bar should go back to smoking because it's too busy now and he can't find a seat."

- Jodi Fleming, General Manager of **Mariah's** restaurant