

WHY GO SMOKE-FREE?

Eliminating smoking in public places and places of employment improves and protects the public's health (including the health of employees), guarantees the right of nonsmokers to breathe smoke-free air and recognizes that the need to breathe smoke-free air has priority over the choice to smoke.

Check out the law for yourself

Please note that this summary is not intended to be comprehensive or provide an authoritative legal interpretation. For more detailed information about the ordinance, please refer to the actual text of the law.

You may access the ordinance at the City's website at www.derbyweb.com. To obtain a paper copy of the ordinance, call City Hall at 316-788-1519 or visit City Hall at 611 Mulberry Road (8 a.m. – 5 p.m., Monday through Friday).

FREE online resources:

- Signage
- Sample smoke-free workplace policy
- FAQs
- Helpful materials and information on Clean Indoor Air Ordinances and the danger of secondhand-smoke

Information & Community Resources for help in quitting smoking:

Call the Kansas toll-free Quitline:
(866) KAN-STOP, (866) 526-7867

Visit the interactive website at:
<http://www.kanstop.org>

Ask your healthcare provider.

Community Resources:

Sedgwick County Health Department
(316) 660-7300

American Heart Association
(316) 265-4238

American Lung Association of Kansas
(316) 687-3888



**This brochure provided courtesy
of the City of Derby, Kansas.**

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Derby Clean Indoor Air Ordinance

An informational guide for business owners,
employers, and the public



Derby Clean Indoor Air Ordinance

Business Owners and Employers

On September 1, 2008, an ordinance went into effect that prohibits smoking in all public places and places of employment in Derby, and within 20 feet of any main entrance or ventilation system air intake point (Ord. 1946). On July 1, 2010, Derby's ordinance was updated to conform to the new Kansas state law.

A **public place** is any enclosed area that the public is permitted or invited into, and includes retail stores, professional offices, home day care, public transportation, restaurants, etc.

Smoking Restriction in Places of Employment

Smoking is prohibited in all enclosed areas within a **place of employment**. This includes, but is not limited to work offices, elevators, hallways, employee break rooms, stairs, restrooms, and all other enclosed areas where employees normally frequent. This also includes outside areas within 20 feet of a main entrance.

Are there exemptions?

The following places are specifically excluded from the ordinance:

- Private residences, except when used as childcare, adult day care or as a health care facility.
- Outdoor places of employment and public places so long as they are outside of the 20-foot smoke-free buffer zone

around any main entrance and the 10-foot buffer zone around any window, air intake, or other doorway leading into a building.

- Outdoor patios, dining areas, and courtyards located at least 20 feet from any main entrance or ventilation system air intake point and posted as a smoking area.
- Vehicles.

What do you need to do?

The ordinance requires:

Signage: Post signs at conspicuous places reading "No Smoking" and the international no smoking symbol. Free signs are available to print at www.derbyweb.com.

Policy: Adopt and maintain a written smoking policy prohibiting smoking in the place of employment. Communicate the policy to employees upon hiring. A sample policy is available at www.derbyweb.com.

Action: Inform any person who is smoking in a nonsmoking area that he/she is in violation of the ordinance. If the violation persists, use the same measures for anyone not following house rules or other local or state laws.

Fine and Penalties

Patrons who violate the ordinance are subject to a fine, as is the business manager or other person responsible for the property at the time of the violation. Fines may be up to \$100 for a first violation, \$200 for a second violation within a year, and \$500 for each additional violation within a year. In addition, the City may suspend or revoke any City permit or license issued for the premises on which the violation occurred.

Patrons & Members of the Public

What should I do if I am a patron in a smoke-free establishment and someone lights up?

Immediately and discretely draw the attention of the establishment's management or an employee to the offense. They are responsible for initially addressing the violation. After they address the situation, please convey your appreciation for their efforts and for providing you with a smoke-free establishment.

If, however, you feel like management failed to adequately address the situation, you may call the Derby Police Department's non-emergency line at (316) 788-1557 to report the violation and management's inability or unwillingness to rectify the offense. Your complaint will be recorded and investigated by the Derby Police Department.

