

Ordinance Summary published in the Miami County Republic on April 20, 2016 and the full text of the Ordinance made available at www.cityofpaola.com for a minimum of 1 week from the date of publication.

Ordinance No. 3095 Summary

On April 12, 2016, the City of Paola, Kansas, adopted Ordinance No. 3095, amending Article 10, Section 10.24 of the Uniform Public Offense Code for Kansas Cities, Edition of 2015, which was incorporated by Ordinance No. 3086. Ordinance No. 3095 makes it unlawful to smoke within a 25 foot radius outside of any doorway, open window or air intake leading into the buildings or facilities owned by the City of Paola, Kansas. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at www.cityofpaola.com. This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO 3095

AN ORDINANCE AMENDING ARTICLE 10, SECTION 10.24 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2014, WHICH WAS INCOPORATED BY ORDINANCE NO 3086.

BE IT ORDAINED by the Governing Body of the City of Paola, Kansas:

SECTION 1: Article 10, Section 10.24 of the Uniform Public Offense Code for Kansas Cities, Edition of 2015, which was incorporated by Ordinance No. 3086, is amended to read as follows:

10.24 SMOKING PROHIBITED.

- (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:
 - (1) Public places;
 - (2) Taxicabs and limousines;
 - (3) Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
 - (4) Restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
 - (5) Access points of all buildings and facilities not exempted pursuant to subsection (d); and
 - (6) Any place of employment.
 - (7) The area within a 25 foot radius outside of any doorway, open window or air intake leading into the following buildings or facilities owned by the City of Paola, Kansas:
 - (A) Paola City Hall – 19 E Peoria Street
 - (B) Paola Community Center – 905 E Wea Street
 - (C) Paola Family Swimming Pool – 10 Wallace Park Drive
 - (D) Paola Firehouse and the Firehouse Gym – 202 E Wea Street
 - (E) Paola Free Library – 101 E Peoria Street
 - (F) Paola Justice Center – 805 N Pearl Street
 - (G) Paola Public Works Facility – 29370 Old Kansas City Road
 - (H) Paola Wastewater Treatment Facility – 23991 Stewart Lane

- (b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.
- (c) Notwithstanding any other provision of this section, 10.25 or 10.26, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.
- (d) The provisions of this section shall not apply to:
 - (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
 - (2) Private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A.65-530, and amendments thereto;
 - (3) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
 - (4) The gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;
 - (5) That portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;
 - (6) That portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;
 - (7) Tobacco shops;
 - (8) A Class A or Class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and
 - (9) A private club in designated areas where minors are prohibited.
 - (10) Any benefit cigar dinner or other cigar dinner of a substantially similar nature that:
 - (A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to Section 501(c)(3) of the federal internal revenue code of 1986;
 - (B) is conducted no more than once per calendar year by such organization; and
 - (C) has been held during each of the previous three years prior to January 1, 2011; and
 - (11) That portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue. (K.S.A. Supp. 21-6110)

SECTION 2: That this ordinance shall become effective after its passage, approval, and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

PASSED by the Governing Body of the City of Paola this 12th day of April, 2016.

APPROVED by the Mayor of the City of Paola this 12th day of April, 2016.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk