

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 of Derby website at www.derbyweb.com. To obtain a paper copy of the ordinance, please visit City Hall located at 611 Mulberry Road (8 AM – 5 PM, Monday through Friday).

FREE online resources:

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

Check out www.derbyweb.com!

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

Making the Transition:

If you have questions about making the transition to a smoke-free work site, call:

Derby City Hall
(316) 788-1519

Visit www.derbyweb.com for more information concerning the actual text of the ordinance, frequently asked questions, sample workplace notice and copy of this brochure.



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

Derby Clean Indoor Air Ordinance

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



Derby Clean Indoor Air Ordinance

Business Owners and Employers

Beginning September 1, 2008, smoking is prohibited 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).

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.

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 so long as they are outside of the 20-foot smoke-free buffer zone around any main entrance or ventilation system air intake point.
- 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.

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 facilities.

What do you need to do?

The ordinance requires:

Signage: Post signs at each entrance reading "No Smoking" (minimum one-inch lettering) or signs with the international no smoking symbol. Free signs are available to print at www.derbyweb.com.

Notice: Post in the workplace and distribute to all employees and prospective employees a notice that smoking is prohibited. Sample notice 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 not exceeding \$50. Businesses that violate the Ordinance - including the owner, manager, or other person who is responsible for the property at the time of the violation - are subject to a fine not exceeding \$100 for a first violation, \$200 for a second violation within one year, and \$500 for each additional violation within one 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.