



NKYHEALTH

NORTHERN KENTUCKY HEALTH DEPARTMENT

Frequently Asked Questions about the City of Dayton Smoke-Free Ordinance

What is the City of Dayton Smoke-Free Air Ordinance?

It is an ordinance passed by the Dayton City Council that prohibits smoking, including the use of e-cigarettes, in enclosed public spaces, such as bars and restaurants, and enclosed areas of employment, such as common work areas, meeting rooms, offices, employee lounges, restrooms, and hallways. The ordinance also prohibits smoking in buildings and vehicles owned by the City of Dayton.

Why did the City of Dayton consider adopting this ordinance?

Several organizations and Dayton residents and employees requested that the Dayton City Council adopt this ordinance to protect children, employees, and nonsmokers. The U.S. Surgeon has concluded that there is no risk-free level of exposure to secondhand smoke and this exposure can cause serious diseases and premature death in children and adults who do not smoke and that a significant amount of secondhand smoke exposure occurs in the workplace.

Does the ordinance prohibit smoking in a private residence or car?

No. The ordinance does not prohibit smoking in private residences or yards or in private vehicles.

Does the ordinance prohibit smoking outdoors?

No. Smoking is permitted outside of enclosed public spaces and places of employment. However, an owner of an outdoor property may prohibit smoking in that area. However, smoking is prohibited 10 feet from entrances, operable windows, and ventilation systems of an enclosed area to any public building. If a place of employment is outdoors, a person may smoke but must stay at least 10 feet away from nonsmokers when he or she is smoking.

What businesses must prohibit indoor smoking?

All public buildings and workplaces in the City of Dayton must now prohibit smoking, including the use of electronic cigarettes. The new law prohibits smoking in any building or place of employment where the public is invited or permitted, such as offices, hotels, factories, churches, bars, restaurants, bingo halls, and stores. The new law does not apply to private homes unless they are used as a licensed childcare, adult daycare, or healthcare facility.

Do businesses have to post “No Smoking” signs?

Yes. All businesses covered by the ordinance are required to post “No Smoking” signs. The City and the Northern Kentucky Health Department are providing these signs to businesses at no cost to the businesses. In addition, businesses can download and print the signs themselves by visiting the Health Department website at <http://www.nkyhealth.org>. Signs meeting the requirement of the ordinance must say “No Smoking” in letters one-inch high or show the international no smoking symbol, which is three inches high.

Are businesses required to remove ashtrays from inside buildings?

Yes. All businesses covered by the law need to remove all ashtrays from any area where smoking is prohibited.

Does the ordinance prohibit smoking in private clubs, such as the Fraternal Order of Eagles?

No. Smoking is permitted in private clubs, which are not open to the general public, so long as the private club meets the exemptions set forth in the ordinance. Private clubs meeting the requirements for the exemptions can contact the Northern Kentucky Health Department to request an application for exempted status. Private clubs may decide on their own to prohibit smoking in their facilities.

When does the ordinance take effect?

On November 6, 2022, 60 days after it was passed by City Council.

What are the penalties for violating the ordinance?

A person who smokes in a prohibited area may be fined up to \$50. A person who owns, operates, or manages a public place or place of employment may receive a warning for not complying with the ordinance. A person who knowingly fails to comply with the ordinance may receive a fine not to exceed \$100 for a second violation in one year and a fine not exceeding \$250 for each additional violation during that year.

Who will enforce the ordinance?

Dayton City Police and Code Enforcement officers will enforce the ordinance. Through an interlocal agreement with the City, the Northern Kentucky Independent District Health Department can also enforce the ordinance while acting in the course of its duties in the City, such as inspecting restaurants for compliance with public health-safety laws.

What should I do about an employee who refuses to stop smoking inside the building?

Take the same actions you would normally take if the employee violated other work rules.

What should I do if a customer, vendor or visitor is smoking in my establishment?

You or your staff should politely remind the person about the law and explain that he or she must step outside to smoke. Train your staff about what to say to customers, for example, "The law no longer allows smoking inside here. I'm sorry, but you'll have to step outside to smoke," "The city's new smoke-free law prohibits smoking indoors. Thank you for your cooperation." If customers refuse to comply, use common sense. If necessary, use your normal protocol for removing a disruptive customer from your premises. You may contact local law enforcement to report the customer.

Did the ordinance language change from the first reading to the second reading of the ordinance by city council?

No. The language in the ordinance remained unchanged from the first reading on August 2 to the second reading on September 5. Before it was presented to City Council, City staff made substantial changes to a draft version of the ordinance to incorporate changes requested by City Council members, but all of those changes were included in the ordinance that was read and approved by City Council.

What if I have questions regarding my building or business?

Specific questions can be addressed to the Northern Kentucky Health Department between 8 a.m. and 5 p.m. Questions can also be submitted via the web at www.nkyhealth.org.

What resources are available for those who want to quit smoking?

For resources to quit smoking, contact the Northern Kentucky Health Department at 859-341-4264 or visit nkyhealth.org for a complete list.