

Bloomington's Smoking Ban Ordinance

Frequently Asked Questions

In July of 2004, the Bloomington City Council passed a comprehensive smoke-free ordinance that affects all workplaces and public places in Bloomington. The purpose of the ordinance is to protect public health, safety, and welfare by better insuring the ability of citizens, employees, and vulnerable populations to breathe safe and uncontaminated air. **On March 31, 2005, all workplaces and public places in Bloomington will be subject to the smoke-free ordinance. Enforcement of the ordinance shall begin at 8:00 a.m. on March 31, 2005.**

Bloomington's Smoking Ban Ordinance has two phases of implementation:

Phase 1: On September 1, 2004, workplaces and public places, except those with on-sale liquor, wine or 3.2 beer licenses, lawful gambling permits, and bingo licenses, were required to go smoke-free.

Phase 2: On March 31, 2005, establishments with an on-sale liquor, wine or 3.2 beer license and public places that have a permit for lawful gambling or a bingo hall license are required to comply with the smoke-free ordinance.

How does the ordinance affect restaurants, bars, and workplaces?

- The new ordinance prohibits smoking indoors in workplaces and public places, including restaurants and bars, private clubs, and bowling alleys.
- No smoking is allowed within 25 feet of entrances and exits.
- Smoking is restricted on outdoor restaurant patios; at least 50% of the area must be designated as nonsmoking.

Does the ordinance apply to private meetings and private social clubs (e.g., VFW, Eagles, etc.)?

Yes. Enclosed, indoor areas of private clubs, and rooms used for private meetings or social functions are considered "places of work" if two or more persons acting under an employment relationship provide cleaning, catering, food or beverage service, maintenance, or other support services in the location.

What places/events are excluded in the ordinance?

- Private residences
- Privately owned vehicles
- Sleeping rooms of hotels and motels that are rented to guests
- Use of tobacco as part of traditional Indian spiritual rituals or cultural ceremonies

Where can employees and/or visitors to public places or places of work smoke?

At public places and places of work, designated smoking areas are permitted outdoors at least twenty-five feet (25') away from entrances, exits, open windows, and ventilation intakes.

As a proprietor, am I required to remove ashtrays? Move cigarette butt containers?

Yes. A proprietor or other person in charge of a public place or place of work where smoking is prohibited shall ensure that ashtrays, lighters, and matchbooks are not provided in areas where smoking is prohibited.

Do I need to post "nonsmoking" signs?

Yes. The proprietor or person(s) in charge of the workplace or public place should post signs in accordance with the Minnesota Clean Indoor Air Act Rules, Minnesota Rules 4620.0500.

- **Signs must be conspicuously posted** either on or directly inside of all outside entrances of the workplace or public place. Lettering should be at least ½” in height.
- **Signs should state**, “No smoking is permitted in this establishment” or similar statement.
- **In a restaurant patio area**, the boundary between the nonsmoking area and an acceptable smoking-permitted area must be clearly designated so individuals can differentiate between the two areas.
- It is recommended that **signage around entrances** state, “No smoking within 25 feet of entrances” or similar statement.
- Sample signs are available and can be downloaded from the city’s Web site at www.ci.bloomington.mn.us.

Where can I get more information about this ordinance and related information?

The City of Bloomington’s Web site (www.ci.bloomington.mn.us) has the full text of the ordinance, the Bloomington Advisory Board of Health’s study about smoke-free workplaces, sign prototypes, and other information.

Who can I contact if I have additional questions regarding the ordinance?

For additional information regarding the City of Bloomington Smoking Ban Ordinance, contact the City of Bloomington Environmental Health Division: 952-563-8934.

As a proprietor, will I be obligated to enforce the Bloomington Ordinance?

Yes. A proprietor is required to ask any person who is smoking in a prohibited area to refrain. If the person does not refrain from smoking, ask the person to leave and use other appropriate means to gain compliance. (If a person becomes violent or disorderly, a proprietor may need to contact the Bloomington Police Department by dialing 911.)

What is the penalty for a violation of this ordinance?

Any person who violates this ordinance, or who permits a violation to exist on the premises under his/her control, or fails to take action to abate the existence of the violation(s) after being ordered to do so by the City of Bloomington Environmental Health Division or the Bloomington Police Department, shall be guilty of a misdemeanor, for which the maximum penalty is a \$1,000.00 fine and/or 90 days in jail, subject to change by act of the Minnesota Legislature.

Who can an individual or business owner call to report violations of the ordinance?

During business hours contact the City of Bloomington Environmental Health Division: 952-563-8934. After business hours, contact the Bloomington Police Department by dialing 911.

Is smoking permitted in an enclosed parking garage?

Smoking is prohibited in any "enclosed, indoor location at which two or more individuals perform any type of a service for consideration under any type of employment relationship." Smoking is also prohibited in any "enclosed indoor area used by the general public or serving as a place of work." If the "enclosed parking garage" meets either of the above definitions, then smoking is prohibited. Of course, a person can always smoke in their motor vehicle (whether in an enclosed parking garage or not).

If I have employees or customers who are interested in quitting smoking, are resources available?

In Minnesota, the major health plans provide various smoking cessation services, often at no charge. Anyone who is interested in quitting can call Minnesota’s Tobacco Helpline at 1-877-270-STOP and find out what free phone counseling services are available. Phone counseling services can be provided in any language.