

Cities Surveyed/Researched

Cincinnati, Ohio  
 Kansas City, Missouri  
 Omaha, Nebraska  
 Pittsburgh, Pennsylvania  
 Saint Louis, Missouri  
 Saint Paul, Minnesota  
 Toledo, Ohio  
 Tulsa, Oklahoma  
 The State of New York  
 The State of California  
 Santa Barbara County, California

Comparable Cities	Current Smoking Ordinance	Applicable to Private Establishments	Define Outdoor/Enclosed Areas	Smoking Rooms
Minneapolis, MN	Yes	Yes	No	No
Cincinnati, OH	Similar to the Minnesota Clean Indoor Act			
Kansas City, MO	Yes	Yes	Yes <sup>i</sup>	Yes <sup>ii</sup>
Omaha, NE	Similar to the Minnesota Clean Indoor Act			
Pittsburgh, PA	Similar to the Minnesota Clean Indoor Act			
St. Louis, MO	N/A	N/A	Yes <sup>iii</sup>	N/A
St. Paul, MN	Yes	Yes	Yes <sup>iv</sup>	No
Toledo, OH	Yes	Yes	Yes <sup>v</sup>	Yes <sup>vi</sup>
Tulsa, OK	Yes, state law	Yes	Yes <sup>vii</sup>	Yes <sup>viii</sup>
Buffalo, NY	Yes, state law	Yes	No <sup>ix</sup>	No

General Descriptors

Three cities have common language for enclosed areas. The language for enclosed areas is defined as space between a ceiling and a roof with four walls regardless of any openings (doors and windows).

Many of the cities have guidelines regarding the amount of space that can be designated for smokers indoors or outdoors. Toledo allows smoking rooms with the following conditions; smoking rooms cannot exceed 30 % of the aggregate square footage of the service area of the premises, including smoking lounges or 50 % of an establishment including smoking rooms...any room not accessed by the general public does not count in the calculation. Saint Louis allows smoking, “within a reasonable distance outside an enclosed area where smoking is prohibited.”

California regulates smoking within 25 feet of where children may congregate and public spaces. Santa Barbara County expands California law by stating no smoking can occur within 20 feet of any nonsmoking buildings. With the exception of restaurants and bars in which 25 % of outdoor seating for restaurants can be designated for smokers and 100 % of outdoor bar areas if the establishments meet certain conditions.

### City Pairings

Cities that allow smoking rooms are Kansas City, Toledo, and Tulsa. These cities have similar language in their guidelines. They require that smoke does not enter into a nonsmoking area. Tulsa requires smoking exhaust has to be at least 25 feet away from an entrance, exit or air intake. Toledo requires that ventilation for a smoking area must be 10 feet away from all windows, doors, and other air intakes. Kansas City has broad language stating, "...designated smoking area is situated and which prevents the mixing of air from the other portions of the premises where smoking is prohibited..."

Cincinnati, Omaha, Saint Louis, and Pittsburgh currently have language similar to the Minnesota Clean Indoor Air Act. The language in the Minnesota Clean Indoor Act is, "Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

Saint Paul and the State of New York have extensive guidelines in both public and private areas. The guidelines set by Saint Paul and New York includes: bars, restaurants, and patios. Saint Paul's guidelines for a patio area are: (a) a roof with no more than 50% of the walls covered is considered outdoors; (b) screens are considered walls; and (c) it cannot expand the building structure.

<sup>1</sup> Kansas City - Enclosed means a space bound by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, offices, rooms, all space therein screened by partitions, which do not extend to the ceiling or are not solid, office landscaping or similar structures and halls.

<sup>1</sup> Kansas City - Enclosed spaces designated as a smoking area within a place of employment or a public place from which smoke cannot infiltrate to other portions of the premises where smoking is prohibited under the provisions of this article and which are equipped with separate heating, ventilation and air conditioning equipment that vents or exchanges air outside of the building or structure in which the designated smoking area is situated and which prevents the mixing of air from the designated smoking area with air from the other portions of the premises where smoking is prohibited under the provisions of this article and where employees are not required to work.

<sup>1</sup> St. Louis, MO - Smoking shall be permitted within a reasonable distance outside an enclosed area where smoking is prohibited. Within ninety (90) days of the effective date of the ordinance codified in this section the Health Commissioner shall designate safe and convenient smoking areas so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means.

<sup>1</sup> Saint Paul

These are the City of Saint Paul's guidelines for outdoor smoking areas.

Definitions:

Patio (409.06)

Food and liquor service is permitted with the proper licenses

Cannot expand the building structure

Must be compact and contiguous to the building

Must have natural ventilation

Must be seasonal and outdoors

A roof with no more than 50% of the walls covered is considered outdoors

screens are considered to be walls

Must be on private property

Must be in compliance with the noise ordinance and licensing requirements if music or entertainment is provided

Self contained heat is permitted if allowed under the fire code

**Cannot cover required parking** in some cases a variance or a shared parking agreement could be obtained. Must be in compliance with the zoning code

Sidewalk Café:

Cannot expand the building structure

Food and liquor service is permitted with the proper licenses

Must be compact and contiguous to the building

Tables and chairs are on the public sidewalk

The sidewalk must be cleared at night

Must have natural ventilation

Must not block the sidewalk 36" walkway must be retained

Canopies:

A canopy by definition is a self supported structure constructed of natural or synthetic fibrous material with a roof and one or fewer walls

Cannot be attached to the building structure

A canopy does not expand the building structure

No food or liquor unless the canopy is part of a licensed patio

Canopies require a City permit

Awnings

Does not expand the building structure and is allowed if it is supported by the building

May not be supported by the ground

No food or liquor service under an awning unless used as part of a licensed patio or sidewalk café

Awnings require a City permit

<sup>1</sup> Toledo - Indoor places of entertainment and recreation means enclosed indoor areas used for play, amusement, diversion, relaxation or social activities including but not limited to roller and ice skating rinks, pool halls, swimming pools, but not including bowling alleys and bingo halls.

<sup>1</sup> Toledo - Separate smoking lounge means an enclosed room in which smoking is permitted. Such room shall (i) be clearly designated; (ii) comply with all applicable fire and building code requirements; and (iii) have a ventilation system that is negatively pressurized to prevent back streaming of second-hand smoke into smoke-free areas which is compliant with the additional specifications set forth in this subdivision; (iv) be clearly designated as a separate smoking lounge wherein no employees shall be required to work. Such room shall not contain the sole means of ingress and egress to restrooms or any other smoke-free area, and shall not constitute the sole indoor waiting area of the premises. Such room shall not exceed thirty percent (30%) of the aggregate square footage of the service area of the premises, including smoking lounge, or fifty percent (50%) of an establishment, including smoking lounge, if a separate ventilation system for said room is in place. In calculating the square footage of the premises pursuant to this subdivision, all spaces, whether or not occupied by furniture or any counter, including public dining areas, beverage service areas, the separate smoking lounge, and lounges shall be included; provided, however, that service areas (including areas behind any counter) and any other areas to which the general public does not generally have access (such as storage rooms, kitchens, offices, and cloakrooms), restrooms, telephone areas and waiting areas (other than waiting areas located in any lounges) shall not be included. No employee shall be required to enter such room for the purposes of conducting any business transaction, including but not limited to the sale or service of food, beverages, or any other product, provided that an employee shall be allowed into such room to provide bussing or other cleaning services when no smoking has occurred for fifteen (15) minutes prior to the employee entering the room and no customers are present. Such room shall have a ventilation system compliant with the State of Ohio Mechanical Code to minimize the migration of smoke to adjacent non-smoking areas. Such ventilation system shall discharge air from the smoking room at least ten (10) feet away from operable windows, doors, air conditioning, and any other heating, ventilation and air conditioning intakes.

<sup>1</sup> Tulsa - An indoor/enclosed space "...all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like."

<sup>1</sup> Tulsa – Smoking room - smoking rooms which shall be in a location which is fully enclosed directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

<sup>1</sup> Buffalo, NY - Outdoor dining areas of food service establishments with no roof or other ceiling enclosure; provided, however, that smoking may be permitted in a contiguous area designated for smoking so long as such area: (a) constitutes no more than twenty-five percent of the outdoor seating capacity of such food service establishment, (b) is at least three feet away from the outdoor area of such food service establishment not designated for smoking, and (c) is clearly designated with written signage as a smoking area..."

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<sup>ii</sup> Kansas City - Enclosed spaces designated as a smoking area within a place of employment or a public place from which smoke cannot infiltrate to other portions of the premises where smoking is prohibited under the provisions of this article and which are equipped with separate heating, ventilation and air conditioning equipment that vents or exchanges air outside of the building or structure in which the designated smoking area is situated and which prevents the mixing of air from the designated smoking area with air from the other portions of the premises where smoking is prohibited under the provisions of this article and where employees are not required to work.

<sup>iii</sup> St. Louis, MO - Smoking shall be permitted within a reasonable distance outside an enclosed area where smoking is prohibited. Within ninety (90) days of the effective date of the ordinance codified in this section the Health Commissioner shall designate safe and convenient smoking areas so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means.

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