

**City of Kearney**  
**Smoke-free Ordinance FAQs**  
**Ordinance No. 1288-2015, Effective 10-1-2015**

**Why did the City of Kearney adopt a smoke-free ordinance?**

Smoke-free ordinances reduce the burden of death and disease related to tobacco use and exposure to secondhand smoke. Implementation of a smoke-free indoor air policy is associated with a reduction in heart attack hospitalization rates, a reduction in the number of youth who smoke, and increase in worker productivity and health. After extensive research and consideration, and a citywide vote, the Board of Aldermen voted in favor of implementing this ordinance to protect public health in Kearney.

**What does the Kearney smoke-free ordinance say?**

Smoking is prohibited in enclosed places of employment and enclosed public places, including but not limited to restaurants, bars, city owned facilities, and school buildings.

**What is the purpose of the Kearney smoke-free ordinance?**

The purpose of the Kearney smoke-free ordinance is to promote public health by decreasing citizen's exposure to secondhand smoke and creating smoke-free environments for workers and citizens. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and breathing secondhand smoke is a cause of serious diseases in smokers and nonsmokers alike, including heart disease, stroke, and lung cancer.

**What are the benefits of a smoke-free workplace?**

Now that a comprehensive smoke-free ordinance has been adopted, there are many benefits that businesses and the community will experience. A smoke-free workplace will reduce fire hazards, create a cleaner environment, and improve the health of your staff and patrons at the same time as reducing health care and overhead costs. For more information on the benefits of a smoke-free workplace, please visit <http://www.tobaccofreemo.org>.

**What businesses and enclosed public places are impacted by passing the Kearney smoke-free ordinance?**

The Kearney smoke-free ordinance applies to all workplaces, including any enclosed public places in the City of Kearney. This policy prohibits smoking, except within private vehicles and residences, unless residences are used as a day care, adult care, or health care facility.

**Who will enforce the Kearney smoke-free ordinance?**

The Kearney Police Department will use a complaint-driven process to address concerns, enforce this policy and use penalties, as necessary. Questions and complaints related should be directed to the City of Kearney, Police Department at 628-3925.

**What should I do if a patron/employee smokes in my establishment?**

The owner/manager or designee has the responsibility to ensure that employees and patrons are in compliance with this ordinance. If a person is found violating the ordinance within your establishment, you should ask that person to cease the behavior in violation of the ordinance. If the person refuses, you should ask that person to leave the premises. If the person refuses to leave the premises, the owner/manager, operator or employee shall contact law enforcement.

**What is the penalty for a violation?**

Per ordinance language, persons who are found violating the law can be fined up to \$50 per violation. Employers/owners/managers found violating the law can be fined up to \$100 for the first violation, up to \$200 for the second violation, up to \$500 for a third or subsequent violation, all within a one year period. Each day on which a violation occurs shall be considered a separate and distinct violation.