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Amending Title 11 of the Minneapolis Code of Ordinances relating to Health and Sanitation by adding a new Chapter 234 relating to Indoor Smoking.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 234 to read as follows:

CHAPTER 234. INDOOR SMOKING

234.10. Definitions. As used in this ordinance:

Bowling alleys and pool and billiard halls means those establishments licensed pursuant to Chapter 267, Articles IV and XII of this Code, whether or not they are also licensed as a liquor establishment.

Food establishment means those establishments licensed pursuant to Title 10 of this Code.

Liquor establishment means those establishments licensed pursuant to Title 14 of this Code.

Other person in charge has the meaning specified in the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 10, as amended from time to time.

Proprietor has the meaning specified by the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 13, as amended from time to time.

Smoking means the inhaling, exhaling or combustion of any cigar, cigarette, pipe, tobacco product, weed, plant or any other similar article. "Smoking" includes possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

234.20. Prohibitions.

- (1) Smoking is prohibited in bowling alleys and pool and billiard halls and liquor and food establishments.
- (2) General exceptions. The prohibitions of this section do not apply to:
 - a. Guest rooms of a hotel or motel;
 - b. Outdoor spaces;

- c. Locations where smoking is expressly authorized by state or federal law or rule; or
- d. The use of tobacco as part of a recognized religious ritual or activity.

234.30. Responsibilities of proprietors. The proprietor or other person in charge of a bowling alley, pool and billiard hall, or liquor or food establishment shall:

- (1) Post “No Smoking” signs that comply with the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0500, as amended from time to time;
- (2) Ensure that ashtrays, lighters, and matchbooks are not provided in any area where smoking is prohibited; and
- (3) Ask any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, take the appropriate action to remove the person from the premises.

234.40. Additional private prohibitions. Nothing in this ordinance prevents the proprietor or other person in charge of any place, including, without limitation, any residence, motor vehicle or outdoor space, from prohibiting smoking in any such place.

234.50. Retaliation prohibited. No person or employer shall discharge, refuse to hire, or in any manner retaliate against, any employee, applicant for employment, or customer because the employee, applicant or customer exercises any right to a smoke-free environment afforded by this ordinance or other law.

234.60. Employees’ rights preserved. An employee who consents to work in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

234.70. Other applicable laws. This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes, Sections 144.411 to 144.417, as amended from time to time. Nothing in this ordinance authorizes smoking in any location where smoking is prohibited or restricted by other laws.

234.80. Violation and penalties.

- (1) *Proprietors.* It is a violation of this ordinance for the proprietor or other person in charge of any premises subject to this ordinance to fail to comply with the requirements of 234.30, or to retaliate against an employee, applicant for employment or customer, as prohibited by 234.50.
- (2) *Civil fines.* Violations of this chapter may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.

- (3) *Adverse license action.* Violation of any provision of this chapter by a licensee shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license.
- (4) *Enforcement.* The provisions of this ordinance shall be enforced by the department of operations and regulatory services, the police department and fire department.
- (5) *Injunctive relief.* The city attorney may bring a civil action against the proprietor or other person in charge of a public place or place of work to enjoin repeated or continuing violations of this chapter.

234.90. Severability. If any portion of this chapter, or its application to any circumstances, is held invalid, the remaining provisions shall not be invalidated, and shall be given effect to the maximum extent possible.

235.100. Effective date. The provisions of this chapter shall become effective March 31, 2005.