GET THE FACTS

WHERE SMOKING IS PROHIBITED

- Restaurants that do not restrict patrons to those 18 years of age and older (indoors and outdoors)
- Retail Stores and shopping malls
- All places of employment* within St. Joseph County (Effective April 10, 2007)
- Restrooms, lobbies, reception areas, service lines, hallways and any other common use areas.
- Elevators, aquariums, art galleries, libraries, zoos, bowling alleys (except within an enclosed bar area) and museums.
- Sports arenas, football stadiums and convention halls, indoor driving ranges and miniature golf courses.
- All healthcare facilities.
- All businesses.*
- Polling places.
- Within courtyards and covered areas where air circulation is impeded.
- All St. Joseph County, City, Town, and Township owned parks and recreational areas.

*An example of a place of employment would be a factory or manufacturing facility, whereas a business would be a place where goods or services are sold.

WHERE SMOKING IS PERMITTED

- Any bar or tavern that does not allow customers or employ persons less than 18 years of age and is not physically located within a business otherwise required to be smoke free.*
- Private clubs that are not operated for pecuniary gain and consist of a membership.
- Bingo Establishments.
- Private residences, except when used as a licensed childcare, adult day care or health care facility; Private motor vehicles
- Family-owned and operated businesses and offices in which all employees are related to the owner, but only if the business/office is not open to the public.
- Retail tobacco stores and tobacco bars.
- Hotel and Motel rooms provided that no more than 25% of rooms rented to guests are smoking rooms.
- Any hall, room or assembly area owned or operated by a church, synagogue, or other place of worship that is rented or leased out for a social function
- Outdoor areas of public or private golf courses and outdoor areas of places of employment

*If located within a business required to be smoke free, the establishment must be located on a separate floor, or separated by walls, windows, or closeable doors.

FREQUENTLY ASKED QUESTIONS

Should I post signs? Yes. The owners, occupants and persons in control of said premises shall clearly and conspicuously post signs at every entranceway, indicating whether an establishment or area within an establishment allows or disallows the smoking of tobacco. Smoking signs should read: "Warning: This is a Smoking Establishment". Non-smoking signs should read: "No-Smoking" or display the international "No-Smoking" symbol.

As an owner, operator, or person in control; what am I required to do to be in compliance with the Ordinance? Post proper signage. Do not allow smoking in establishment or in areas required to be smoke-free, and act in a reasonable and timely manner to personally inform violators of the prohibition, requesting that he or she refrain from smoking.

What is a two-year extension? A one-time two-year extension has been provided for certain restaurants that have applied for such extension by May 1, 2006 and met specific requirements outlined in Section 5. O. of the Ordinance. Once approved, these restaurants may continue to allow smoking in any area of their establishment, without restricting access to employees and/or patrons under 18 years of age.

Do I need to fill out an 'intent to allow smoking' form? If a restaurant/bar or bar/tavern intends to allow smoking in their establishment, they are required to fax, mail, or bring in a completed 'intent to allow smoking' form to the St. Joseph County Health Department. Form is available on our website.

What is an election to be smoking? Any bar/tavern or restaurant/bar that is smoke-free or has an area of their establishment that is required to be smoke free and decides to allow smoking in the establishment for any reason or duration (i.e. a banquet, an event, a trial period to see if business improves), the establishment owner is able to declare such election two times in one year. Establishments that desire to use such election must meet the requirements of Section 5. Letters E and L of the Ordinance.

What are the rules for patrons/employees under 18 years of age? Employees under 18 hired after 4/10/06 are restricted access to areas where smoking is allowed. Patrons under 18 are restricted access to areas where smoking is allowed.

Can I build or authorize a designated smoking room in my restaurant, business, or building if my particular establishment is required to be smoke-free? Excluding restaurants, a business or place of employment is allowed to have a designated room or other enclosed area for employees who smoke, provided the area is completely enclosed and separated from the smoke-free areas of that establishment.