

(This summary was published once in the Garden City Telegram on the 23 day of Sept, 2025)

ORDINANCE NO. 3024-2025

ORDINANCE SUMMARY

On September 16, 2025, the Governing Body of the City of Garden City, Kansas adopted Ordinance No. 3024-2025, regulating smoking and the use of tobacco products within the corporate limits of the City by amending part of the Uniform Public Offense Code, as incorporated by reference, including, but not limited to, prohibiting smoking in enclosed areas and certain outdoor locations, requiring employers to maintain a smoke-free workplace and written smoking policy, and adding a new exception allowing indoor smoking in cigar lounges subject to specific and applicable regulations and standards; prescribing additional regulations; providing certain penalties; amending current Code Section 62-2(10.24); repealing current Code Section 62-2(10.24) and replacing it with an amended version of the same; all to the Code of Ordinances of the City of Garden City, Kansas.

A complete copy of the Ordinance may be viewed free of charge at www.garden-city.org or may be obtained from the City Clerk at the City Administrative Center, 301 North Eighth Street, Garden City, Kansas 67846. This Ordinance Summary is certified that it is legally accurate and sufficient by Jennifer V. Cunningham, City Attorney.

ORDINANCE NO. 3024-2025

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS, REGULATING SMOKING AND THE USE OF TOBACCO PRODUCTS WITHIN THE CORPORATE LIMITS OF THE CITY BY AMENDING PART OF THE UNIFORM PUBLIC OFFENSE CODE, AS INCORPORATED BY REFERENCE, INCLUDING, BUT NOT LIMITED TO, PROHIBITING SMOKING IN ENCLOSED AREAS AND CERTAIN OUTDOOR LOCATIONS, REQUIRING EMPLOYERS TO MAINTAIN A SMOKE-FREE WORKPLACE AND WRITTEN SMOKING POLICY, AND ADDING A NEW EXCEPTION ALLOWING INDOOR SMOKING IN CIGAR LOUNGES SUBJECT TO SPECIFIC AND APPLICABLE REGULATIONS AND STANDARDS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AMENDING CURRENT CODE SECTION 62-2(10.24); REPEALING CURRENT CODE SECTION 62-2(10.24) AND REPLACING IT WITH AN AMENDED VERSION OF THE SAME; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. AMENDMENT. That Section 10.24 of the Uniform Public Offense Code, also referred to as Section 62-2(10.24) of Chapter 62 of the Code, is hereby amended to read as follows:

Section 10.24. Smoking Prohibited.

- (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:
- (1) public places;
 - (2) taxicabs and limousines;
 - (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
 - (4) restrooms, lobbies and other common areas, and all sleeping rooms in hotels and motels;
 - (5) access points of all buildings and facilities not exempted pursuant to subsection (d), with the exception of access points leading into or out of outdoor patio areas where smoking is lawful;
 - (6) any place of employment;
 - (7) private clubs and fraternal organization facilities; and
 - (8) any building or structure owned, leased or occupied by the City or any city, school district or community college.
- (b) It shall be unlawful, with no requirement of culpable mental state, to smoke or to use any tobacco product, in any form, in or on the following outdoor locations:
- (1) All City-owned parks and playgrounds, including, but not limited to, the Lee Richardson Zoo and any City-owned public outdoor court, amphitheater, swimming facility or skate park;
 - (2) Any public assembly seating, bleacher section, grandstand, or other seating, affixed and permanent in nature located in the City, which is placed on any property owned or leased by any city, county, state, school district or community college and within fifty (50) feet of any such seating; and

- (3) Any athletic field and seating area owned, leased, or occupied by the City or any school district or community college.
- (c) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.
- (d) The provisions of this section shall not apply to:
- (1) the outdoor areas of any building or facility beyond the access points of such building or facility, except as noted in subsection (b) above;
 - (2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto; or
 - (3) any cigar lounge, as such term is defined by Section 2.030 of the Zoning Regulations of the City of Garden City, Kansas, and amendments thereto, but only upon each of the following conditions:
 - (A) No person under twenty-one (21) years of age shall be permitted to be present within any enclosed area of the cigar lounge during business or operating hours;
 - (B) No cigarettes or vaping products shall be used, consumed, sold, or offered for sale on the premises of the cigar lounge, with the term "vaping products" being defined by Section 62-2(1.1), and amendments thereto;
 - (C) No measurable amount of smoke shall be permitted to infiltrate from an enclosed area of the cigar lounge into any other enclosed area that has not been approved by the Building Official for use as a cigar lounge or smoking lounge;
 - (D) All containers used for the disposal of ash shall be metal, equipped with a tight-fitting metal lid, and kept away from combustible materials, including, but not limited to, combustible wall or floor coverings; and
 - (E) The cigar lounge shall be designed, constructed, operated, maintained, and used in full compliance with all applicable provisions of any local, state, and federal ordinance, law, or regulation, including, but not limited to:
 - (i) Sections 305.2, 310.2, 310.6, and 310.7 of the International Fire Code, as incorporated by reference by Section 46-31 of the Code, and amendments thereto, and as amended and deleted by Section 46-32 of the Code, and amendments thereto, which generally address, for reference purposes only, smoking-prohibited areas, ash trays, burning objects, and hot ashes and spontaneous ignition sources; and
 - (ii) Chapter 4 of the International Mechanical Code, as incorporated by reference by Section 18-40 of the Code, and amendments thereto, and as amended and deleted by Section 18-41 of the Code, and amendments thereto, which generally address, for reference purposes only, ventilation.
- (e) Any person who violates any provision of this section shall be guilty of an ordinance cigarette or tobacco infraction and punished as provided in Section 62-2(10.26) of this Code.

- (f) The placement of this section within Chapter 62 of this Code, and the penalties related thereto, shall in no way be interpreted to detract from or otherwise diminish the public health, safety and welfare interests that are sought to be accomplished by this section. This section shall be interpreted in accordance with Chapter 1, Section 1-2 of this Code.

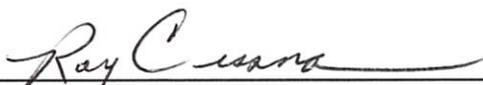
SECTION 2. REPEAL & AMENDMENT. Section 62-2(10.24) of Chapter 62 of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, shall be and the same is hereby repealed, to be replaced as specified herein, upon the effective date of this Ordinance.

SECTION 3. SEVERABILITY. If any chapter, article, division, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, for any reason, such holding shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Governing Body hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid. This severability provision shall apply, but not be limited, to any provisions of the Uniform Public Offense Code.

SECTION 4. HEADINGS; SECTION REFERENCES. The headings used in this Ordinance are intended for convenience of reference only and shall not affect the interpretation or construction of this Ordinance or any part hereof.

SECTION 5. EFFECTIVE DATE; PUBLICATION. This Ordinance shall take effect and be in full force and effect from and after the occurrence of all of the following: (a) its passage and signature; (b) publication of a summary of this Ordinance in The Garden City Telegram, the official city newspaper; and (c) publication of the full text of this Ordinance on the City's official website in accordance with subsection (b) of K.S.A. 12-3007.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 16th day of September, 2025.



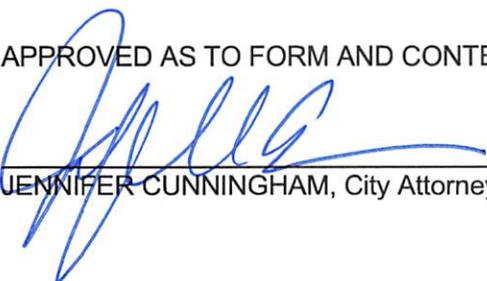
ROY CESSNA, Mayor

ATTEST:



CELYN N. HURTADO, City Clerk
KORI A. LONGORIA, Deputy City Clerk

APPROVED AS TO FORM AND CONTENT:



JENNIFER CUNNINGHAM, City Attorney

