



September 5, 2006

To: All establishments within the City of Menomonie:

Dear Owner/Operator:

The City Council adopted an ordinance on August 7th, 2006 entitled "An ordinance regarding the establishment of a smoking ban in public places and places of employment." This ordinance will become effective September 12th, 2006. A copy of this ordinance is posted at the City of Menomonie website (www.menomonie-wi.gov) and the Dunn County Health Department website (www.co.dunn.wi.us). It is also available in "hard copy format" from the City of Menomonie.

This regulation, among other regulations, prohibits any person from smoking in any indoor public place or place of employment, within 5 feet of all entrances to those public places and places of employment, within 5 feet of all operable windows for those public places or places of employment and within 5 feet of a ventilation system of those public places or places of employment. There are 5 uses that are excepted from these no smoking prohibitions:

1. Bars.
2. Restaurants holding a "Class B" and/or Class "B" license issued pursuant to Ch. 125, Wis. Stats. and Sec. 13 I, City Code, whose gross sales of alcohol beverages exceeded fifty percent (50%) of the total gross sales of the establishment for the previous alcohol beverage licensing year.
3. Use of tobacco by an enrolled member of an Indian tribe, as those terms are defined in Sec. 139.30(4) and (5), Wis. Stats., as part of a traditional spiritual or cultural ceremony.
4. Bed and breakfast establishment, hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty-five percent (25%) of the rooms rented to guests are designated as smoking rooms. This exception does not include common areas in bed and breakfast establishments, hotels and motels.
5. Retail tobacco stores.

Each restaurant that claims such an exemption shall follow the verification procedure stated at subsections (6)(b)1. through (6)(b)7., with the deadline for filing the documentation being October 12th, 2006, 30 days after the effective date of the ordinance. Any establishment failing to file timely documentation shall be required to comply with the smoking ban and no smoking shall be permitted therein until such time as the required documentation has been received and approved by the City Clerk (800 Wilson Avenue, Menomonie, WI 54751).

Please note that subsection (6)(b)2. requires that each year an additional written certification shall be provided not later than July 30 of the required year, and any establishment failing to file timely documentation shall be required to comply with the smoking ban and no smoking shall be permitted.

This ordinance also requires establishments regulated by this ordinance to assure signs be conspicuously posted at each entrance indicating that smoking is prohibited. The sign shall notify the public of the existence of the no smoking ordinance, such as "Smoking Prohibited by City Ordinance". The sign shall be no smaller than 8 ½" by 11", and shall be clearly visible from a distance of at least 10 feet.

Additional signage required to be posted by regulated establishments includes signage relating to the "5 foot rule". This signage, such as "Smoking is prohibited within 5 feet of all outdoor entrances by City Ordinance", shall be posted adjacent to outside entrances. This sign shall also be clearly visible from a distance of at least 10 feet, and be no smaller than 8½" by 11."

In addition to requests for exemptions, please feel free to contact this office or the Dunn County Health Department (715-232-2388) for any other questions you may have regarding implementation of this City of Menomonie ordinance.

Thank you in advance for your cooperation in making the transition with this new ordinance as smooth as possible.

Sincerely,

Lowell Prange, City Administrator

Attachment