

ORDINANCE NO. 18-07

**AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE SECTION 6.20.050
PERTAINING TO THE INDOOR CLEAN AIR ORDINANCE AND REPEALING
THE EXISTING SECTION.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE,
KANSAS:**

SECTION ONE: Section 6.20.050 of the Olathe Municipal Code is hereby amended to read as follows:

"6.20.050 Exceptions.

The provisions of this Chapter shall not apply to:

(A) The outdoor areas of any building or facility beyond the access points of such building or facility;

(B) 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;

(C) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty percent (20%);

(D) The gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;

(E) That portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to Section 6.20.040(C) and that is fully enclosed and ventilated;

(F) That portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to Section 6.20.040(C) and that is fully enclosed

and ventilated and to which access is restricted to the residents and their guests;

(G) Tobacco shops;

(H) A class "A" or class "B" club as defined in K.S.A. 41-2601, and amendments thereto, which:

(1) Held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and

(2) ~~Notifies~~ Notified the secretary of health and environment in writing, not later than ninety (90) days after the effective date of the Kansas Clean Air Act, that it ~~wishes~~ wished to continue to allow smoking on its premises; and

(3) Maintained the same licensed premises address which allowed smoking pursuant to this subsection. Any change of the licensed premises address of a class "A" or class "B" club will result in such club being subject to the provisions of this Chapter.

(I) A private club in designated areas where minors are prohibited; and

(J) Vapor retailers."

SECTION TWO: Existing Section 6.20.050 is hereby repealed.

SECTION THREE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this 6th day of February 2018.

SIGNED by the Mayor this 6th day of February 2018.



Mayor

ATTEST:

Ernie Vincent
City Clerk



(SEAL)

APPROVED AS TO FORM:

[Signature]
City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

PUBLICATION SUMMARY OF ORDINANCE NO. 18-07, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 6th DAY OF FEBRUARY 2018.

SUMMARY

On February 6, 2018, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 18-07, which concerns the Olathe Indoor Clean Air and Private Clubs.

This ordinance amends O.M.C. 6.20.050 and provides that an exception to the Olathe Indoor Clean Air Act that certain Class A and B licensed clubs enjoy will end if they move to a new location. The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 7th day of February 2018.

/s/ Daniel Yoza

Daniel Yoza

Assistant City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.