

City of Bismarck

Smoke Free Workplace & Public Place Ordinance

Bismarck City Chapter 5 – 12
(Code of Ordinances)

The information in this brochure
is not meant to be a comprehensive
explanation of the ordinance, chapter 5-12.
The entire ordinance can be viewed at

www.bismarck.org
under code of ordinances.



An update to the 2005
Smoke Free Ordinance

April 27, 2011

Frequently Asked Questions



SmokeFree Bismarck



1 How is the updated ordinance different than the previous ordinance?

As of April 27, 2011, the updated ordinance eliminates exclusions that appeared in the original ordinance (#5463).

The changes include:

- smoking is now prohibited in bars, truck stops, fraternal orders and private clubs, nightclubs, tobacco stores, rented meeting rooms.
- smoking is prohibited within 10 feet of any entrance or exit to a public place.

2 Where is indoor smoking allowed in public places?

Indoor smoking is allowed in:

- Designated sleeping rooms of hotels and motels which are rented to guests.
- A hospital by a patient whose attending physician authorizes the smoking (if allowed by the hospital policy).
- A licensed basic care facility or nursing facility, if allowed by the facility's policy.

3 What must a business do to comply with the smoke free ordinance?

- Post "no smoking" signs of at least 5" by 7" in size. Free signs are available at Bismarck Burleigh Public Health Department, 701-355-1594.
- Remove all ashtrays.

4 Where can ordinance violations be reported?

- Violations to the ordinance can be reported to the Bismarck Police Department, 701-223-1212.

5 Who can be prosecuted?

An individual who smokes in an area where smoking is prohibited as well as the business, employer, owner of the business, supervisor or owner who fails willfully to comply with the ordinance can be prosecuted.

6 What are the penalties?

A business or individual who is found guilty of a violation of this ordinance can be:

- Fined \$100 for the first violation.
- Fined \$200 for a second violation.
- Fined \$500 for each violation within one year of the second violation.

