

INITIATIVE PETITION

It is a class A misdemeanor, notwithstanding the provisions of Section 560.021 R.S.Mo., to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his own, or knowingly to sign his name more than once for the same measure for the same election, or to sign a petition when he knows he is not a registered voter.

To Rich Chrismer, Director of Elections for St. Charles County:

We, the undersigned, registered voters of the state of Missouri and St. Charles County, respectfully order that the following proposed amendment to the St. Charles County Charter shall be submitted to the voters of St. Charles County, Missouri, for their approval or rejection, at the general election to be held on November 6, 2012, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and St. Charles County; my street address and the name of the city, town, or village in which I live are correctly written after my name.

Shall Section 10, Article X of the St. Charles County Charter be amended to include a new Section 10.800 prohibiting smoking in enclosed public places or places of employment throughout St. Charles County effective January 1, 2013, whether the public place or place of employment is in the unincorporated area or within an incorporated municipality, with certain exceptions?

CIRCULATOR'S AFFIDAVIT OF MISSOURI, COUNTY OF _____.

I, _____, being first duly sworn, say (print or type name of signers)

| NAME (Signature) | DATE SIGNED | REGISTERED VOTING ADDRESS (Street) (City, Town or Village) | ZIP CODE | COUNTY COUNCIL DISTRICT | NAME (Printed or Typed) |
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signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and St. Charles County.

Subscribed and sworn to before me this ___ day of _____, A.D. _____

Signature of Affiant (Person obtaining signatures)

Notary Public (Seal):

Address of Affiant

Signature of Notary

Address of Notary

Be it resolved by the people of St. Charles County that the County Charter be amended:

Section 10 of Article X of the St. Charles County Charter shall be amended to include a new Section 10.800 prohibiting smoking in enclosed public places or places of employment throughout St. Charles County effective January 1, 2013, whether the public place or place of employment is in the unincorporated area or within an incorporated municipality, except that the following shall not be subject to the smoking prohibition:

1.) Any legal establishment that affirmatively restricts access to its buildings or facilities at all times to customers or patrons who are twenty-one (21) years of age or older, provided the establishment also posts a clear and conspicuous sign at all entrances identifying the establishment as a smoking establishment;

2.) Any legal establishment that does not restrict access to its building or facilities to persons who are twenty-one (21) years of age or older, provided that the establishment limits all smoking to a ventilated and enclosed area separated from the rest of the building or facility and posts a clear and conspicuous sign at all entrances stating that smoking is allowed only in the separately enclosed area;

3.) Private clubs, which means an organization incorporated under the laws of the State of Missouri for fraternal or social purposes or for a congressionally chartered veterans' organization, which has a defined membership and restricts admission to members of the club and their guests, and which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501;

4.) Hotel and motel rooms that are rented to guests and are designated as smoking rooms, provided that no more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated;

5.) Cigar bars, which means a legal establishment with a permit to sell alcoholic beverages that generates twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars and/or rental of humidor space, has a humidor on the premises, and does not allow any individuals under the age of eighteen (18) years old to enter the establishment;

6.) Retail tobacco stores that prohibit any individuals under the age of eighteen (18) years old from entering their premises, provided that smoke from such stores does not infiltrate into areas where smoking is otherwise prohibited;

7.) Non-enclosed areas of public places, including open-air patios, porches, or decks provided that smoke from such areas does not infiltrate into areas where smoking is otherwise prohibited;

8.) Casino areas, which means: (1) the area of an excursion gambling boat (313.800 RSMo.) licensed by the Missouri Gaming Commission, where gaming is restricted to those persons who are twenty-one (21) years of age or older; and (2) any other area within the riverboat gaming operation (11 CSR 45-1.090) restricted to persons who are twenty-one (21) years of age or older, whether or not located on an excursion gambling boat;

9.) Private homes, private residences and private motor vehicles, unless such homes, residences or motor vehicles are being used for child care or day care, or unless the private vehicle is being used for the public transportation of children or as part of health care or day care transportation;

10.) Commercial vehicles when such vehicle is occupied solely by the operator;

11.) Sports arenas, provided that any indoor sports arena that allows for smoking limits all smoking to a separately enclosed and ventilated area separated from the rest of the building or facility and posts a clear and conspicuous sign at all entrances stating that smoking is allowed only in the separately enclosed area. Any outdoor sports arena that allows for smoking must limit all smoking to a separately designated area;

12.) Federal Food and Drug Administration licensed medical research facilities where smoking is a factor being studied in the effects of medicine or medical treatment.

Notwithstanding any other provision of this Section of the St. Charles County Charter, any owner, operator, manager or other person in control of an exempted establishment, store or outdoor area may declare the entire establishment, store or outdoor area as a non-smoking area.

Upon passage of this Charter amendment, the St. Charles County Council shall not change or remove the exemptions described above without submitting the proposed change or removal to the voters for approval pursuant to the St. Charles County Charter amendment process.

Pursuant to Article VI, §18(c) of the Missouri Constitution, any municipality shall have the authority to ban smoking in additional spaces or venues not herein enumerated pursuant to independent powers they may have by law, but no municipality would have the power to grant exemptions from the ban on smoking now approved by voters as amendments to the St. Charles County Charter.