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Section 1

Chapter 9.40- Regulation of Smoking

City Council finds that exposure to smoke emitted by tobacco and other vegetative substances in enclosed facilities by the nonsmoking public is recognized by the citizens of the City of Longmont to result in objectionable and material annoyance and discomfort, and constitutes a health hazard to all those so exposed. In addition, Council finds that smoking in certain congested outdoor areas frequented by the public also results in material annoyance, discomfort and constitutes a health hazard to those frequenting those outside areas. City Council also finds that the use of electronic smoking devices in smoke-free locations presents health hazards, threatens to undermine compliance with smoking regulations and reverse the progress that has been made in prohibiting smoking in public places and places of employment. In furtherance of the public health, safety and welfare, it is deemed necessary to prohibit, with certain exceptions, smoking in enclosed areas open to the public, certain congested outdoor areas and

1 areas constituting places of employment. To achieve the public health objectives
2 set forth in this section, this chapter is to be liberally construed.

3 9.40.020. - Definitions.

4 As used in this chapter, the words and phrases set forth below are defined as
5 follows:

6 *Electronic smoking device* means: An electric or battery-operated device, the use
7 of which resembles conventional smoking, which can be used to deliver
8 substances, including, but not limited to, nicotine, tobacco, or marijuana, to the
9 person using such device. Electronic smoking device shall include, without
10 limitation, an electronic cigarette, cigar, cigarillo, pipe, or hookah. Electronic
11 smoking device shall not include any product approved by the food and drug
12 administration as a drug or medical device that is used in accordance with its
13 purpose.

14 *Entryway* means:

15 A. For City owned buildings or enclosed areas, the outside of any doorway
16 leading into or exiting from a building or enclosed area, including the area of
17 public or private property within twenty-five feet of the doorway.

18 B. For all other buildings or enclosed areas, the outside of the main or front
19 doorway leading into or exiting a building, including the area of public or
20 private property within fifteen feet of the doorway.

21 *Place of employment* means: any indoor area or portion thereof under the control
22 of an employer in which employees of the employer perform services for, or on
23 behalf of, the employer.

1 *Public place* means: Any enclosed, indoor facility or area, open to the general
2 public who enter as invitees, including but not restricted to: mercantile
3 establishments, bars, taverns, restaurants, theaters, financial institutions,
4 educational facilities, recreational facilities, hospitals, health care facilities and
5 institutions, libraries, auditoriums, arenas, meeting rooms and public
6 conveyances. A private residence is not a public place.

7 *Smoke* or *smoking* means: The possession of a lit cigarette, cigar or pipe
8 containing tobacco or other organic burning material regardless of its
9 composition, or activated electronic smoking device, or the lighting of such
10 cigarette, cigar or pipe or activation of an electronic smoking device.

11 *Work area* means: an area in a place of employment where one or more
12 employees are routinely assigned and perform services for or on behalf of their
13 employer.

14 9.40.030. - Smoking generally prohibited.

15 Except as otherwise provided in this Chapter, smoking is prohibited in the
16 following areas:

17 A. Any public place, or place of employment that is not exempted from this
18 chapter, or in the entryway of any such public place or place of employment.

19 B. The block containing the Longmont Civic Center and Longmont Public
20 Library, including all sidewalks and grassy areas, as set forth on Appendix A to
21 this Chapter.

22 C. The area around the City's Senior Center and Memorial Building, as set forth
23 on Appendix B to this Chapter.

1 9.40.040. - Smoking permitted in certain places.

2 Notwithstanding any other provision of this Chapter, smoking is permitted in the
3 following places:

4 A. In retail stores primarily engaged in the sale of tobacco or tobacco
5 accessories.

6 B. A place of employment that is not open to the public and that is under the
7 control of an employer that employs three or fewer employees; however, each
8 such employer shall provide a smoke-free work area for each employee
9 requesting a smoke free work area.

10 C. In outdoor areas designated as a smoking area by an employer, but such
11 designated smoking areas must be sufficiently isolated to maintain a reasonably
12 smoke-free environment in proximate nonsmoking areas.

13 9.40.050. - Required signs.

14 To advise persons of the existence of "No Smoking" or "Employee Smoking
15 Areas", if any, as contemplated by this chapter, signs shall be posted, as follows:

16 A. In each public place where smoking is prohibited by this Chapter, the
17 owner, proprietor or person in charge having principal possessory interest shall
18 post and maintain a sign bearing the words, "NO SMOKING", and which may
19 also contain the international no smoking symbol, either on all public entrances or
20 in a position clearly visible on entry to the public place.

21 B. In areas designated by an employer as a smoking area pursuant to section
22 9.40.040.C. The employer shall conspicuously post a sign using the words
23 "EMPLOYEE SMOKING AREA" at the entrances to each such designated area.

1 9.40.060. - Unlawful acts—Penalties.

2 A. It is unlawful for any person to violate any provision of this Chapter.

3 B. The court shall fine any person violating this chapter between \$35.00 and
4 \$500.00. Upon a second or subsequent conviction within twelve (12) months, the
5 minimum fine is \$50.00, which the court shall not suspend. The court shall
6 allocate \$10.00 of such fine collected to the municipal probation office to acquire
7 materials and programming providing health information on the dangers of
8 smoking. The probation office shall make those materials and programming
9 available to educational institutions, citizens groups and offenders.

10 Section 2

11 To the extent only that they conflict with this ordinance, the Council repeals any
12 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
13 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

14
15 Introduced this _____ day of _____, 2017.

16
17 Passed and adopted this _____ day of _____, 2017.

18
19
20
21 _____
22 MAYOR

23
24 ATTEST:

25
26
27 _____
28 CITY CLERK

1 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
2 7:00 P.M. ON THE _____ DAY OF _____, 2017, IN THE
3 LONGMONT COUNCIL CHAMBERS.
4

5 APPROVED AS TO FORM:
6
7

8 _____
9 DEPUTY CITY ATTORNEY

DATE

10
11
12 _____
13 PROOFREAD

DATE

14
15 APPROVED AS TO FORM AND SUBSTANCE:
16
17

18 _____
19 ORIGINATING DEPARTMENT

DATE


20
21 CA File: 10344



Path: I:\Projects\PW0521_Comm Services\052100_2017Smoking Areas\Design\ArcMap\Appendix A Civic-Library NO SMK.mxd

Print Date: 6/20/2017
Name: Appendix A Civic-Library NO SMK
Revisions:
Vert. Scale: As Noted
Horiz. Scale: 1 inch = 100 feet
0 25 50 100 Feet

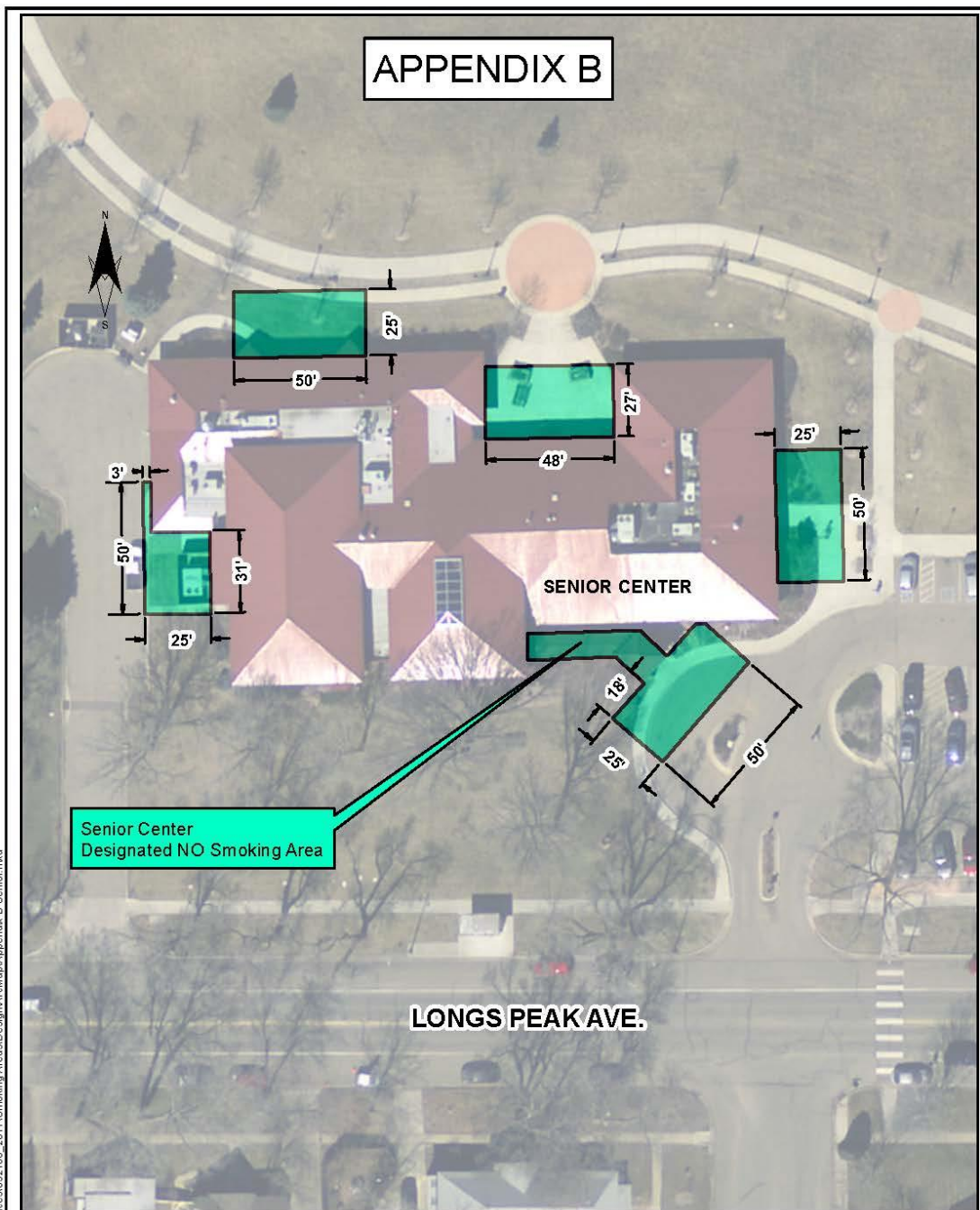
**CIVIC CENTER / LIBRARY CAMPUS
DESIGNATED NO SMOKING AREA**



CITY of LONGMONT
385 Kimbark Street
Longmont, Co. 80501
Phone: 303-651-8304 FAX: 303-651-8352

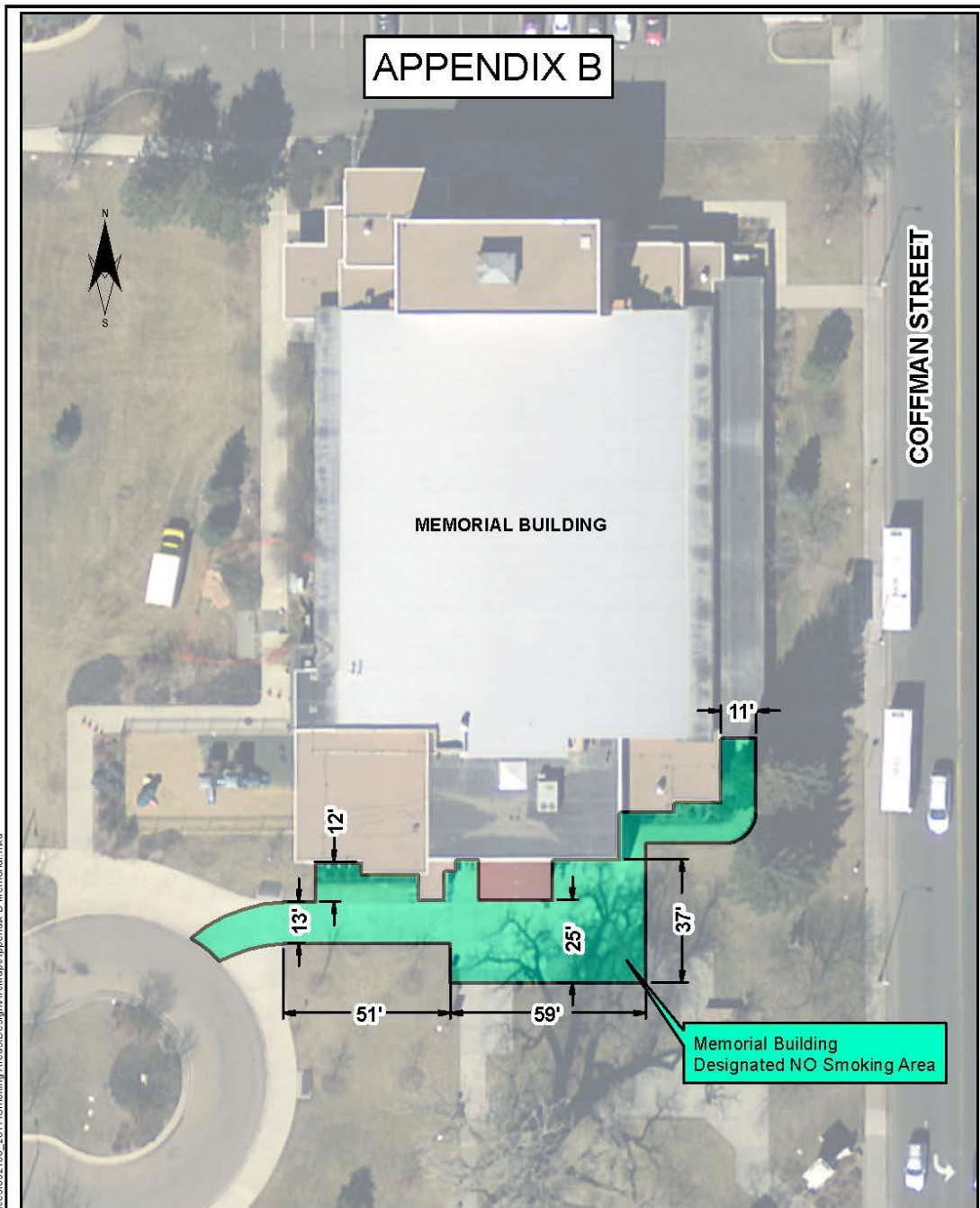
PUBLIC WORKS & NATURAL RESOURCES DEPT.

Project No. PW0521	Year 2017
Designer:	
Detailer: A. Mestas	
Subset Sheet:	
Sheet Number:	4



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Print Date: 6/20/2017	SENIOR CENTER DESIGNATED NO SMOKING AREA  CITY of LONGMONT 385 Kimbark Street Longmont, Co. 80501 Phone: 303-651-8304 FAX: 303-651-8352 PUBLIC WORKS & NATURAL RESOURCES DEPT.	Project No. PW0521	Year 2017
Name: Appendix B Senior		Designer:	
Revisions:		Detailer: A. Mestas	
Vert. Scale: As Noted		Subset Sheet:	
Horiz. Scale: 1 inch = 50 feet 		Sheet Number:	1 OF 2



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Print Date: 6/20/2017	MEMORIAL BUILDING DESIGNATED NO SMOKING AREA		Project No. PW0521	Year 2017
Name: Appendix B Memorial			Designer:	
Revisions:	 CITY of LONGMONT 385 Kimbark Street Longmont, Co. 80501 Phone: 303-651-8304 FAX: 303-651-8352		Detailer: A. Mestas	
Vert. Scale: As Noted			Subset Sheet:	
Horiz. Scale: 1 inch = 40 feet			Sheet Number:	2 OF 2
	PUBLIC WORKS & NATURAL RESOURCES DEPT.			