

ARTICLE III. SMOKING IN PUBLIC AREAS¹

Sec. 12-56. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Bar shall mean any area that is operated and licensed under Title 44, Article 3, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food, if any, is secondary to the consumption of such beverages.

City-owned property shall mean any real property open to the public that is City owned and City maintained or leased from another and maintained by the City, including properties designated by the City as a park, trail, open space, or natural area, and all sidewalks abutting, or separated only by a parkway from, any of the foregoing. For purposes of this definition, *City-owned property* shall not include public streets or sidewalks abutting or separated only by a parkway from property not owned and maintained by the City.

Downtown Smoke-Free Zone shall mean within the area bounded by: the center of Mason Street from the center of Maple Street to the center of Olive Street; the center of Olive Street from the center of Mason Street to the center of Remington Street; the center of Remington Street from the center of Olive Street to the center of Oak Street; the center of Oak Street from the center of Remington Street to the center of Mathews Street; the center of Mathews Street from the center of Oak Street to the center of Mountain Avenue; the center of Mountain Avenue from the center of Mathews Street to the center of Jefferson Street; the center of Jefferson Street from the center of Mountain Avenue to the center of Maple Street; the center of Maple Street from the center of Jefferson Street to the center of Mason Street. For purposes of this definition, the center of any given street shall be deemed to be the midpoint between the outer boundaries of such street. For streets running north to south or approximately north to south, the center runs north to south or approximately north to south, respectively; for streets running east to west, the center runs east to west or approximately east to west, respectively; the center of Jefferson Street runs approximately southeast to northwest. A map showing the approximate area of the *Downtown Smoke-Free Zone* dated February 27, 2015, is on file in the office of the City Clerk.

Electronic smoking device or ESD shall mean any product that contains or delivers nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product and is commonly described as vaping. This includes any product whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor. An ESD does not include a humidifier or similar device that emits only water vapor, or an inhaler, nebulizer, or vaporizer that is approved by the federal food and drug administration for the delivery of medication.

Employee shall mean any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers their services without wages or other compensation.

Employer shall mean any person, organization or entity employing the services of any person, whether or not such employed person is compensated for those services.

¹Cross reference(s)—Fire protection and prevention, Ch. 9.

Enclosed area shall mean all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) that extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

Establishment shall mean the buildings or facilities in which a business, enterprise or undertaking, whether or not for profit, is conducted. If a single business or undertaking is conducted in two (2) or more adjacent buildings, those buildings together shall comprise the *establishment* for the purpose of this Article.

Food service establishment shall mean any premises upon which the principal business is the sale of food for on-premises consumption. The term includes, without limitation, cafeterias, coffee shops, diners, sandwich shops and short-order cafes.

Independently ventilated shall mean ventilated so as to prevent the mixing of air between any area in which smoking is allowed and any smoke-free area.

Marijuana shall mean all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate. *Marijuana* shall not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

Outdoor serving area shall mean any location on the premises of a food service establishment or bar that is not an enclosed area where food or drink is provided to the public, including, but not limited to, seating areas located on the premises of a restaurant or bar where patrons are permitted to consume food or alcohol.

Physically separated shall mean separated by physical barriers, such as walls and doors extending from floor to ceiling, so as to prevent the mixing of air between any area in which smoking is allowed and any smoke-free area.

Place of employment shall mean any area under the control of a public or private employer that employees normally frequent or use during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, employee cafeterias and hallways. *Place of employment* shall not include a private residence unless the residence is used as a child care, adult day care or health care facility.

Public place shall mean any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, attached and freestanding bars, banks, commercial bingo facilities, convention halls, education facilities, child care, adult day care or medical or health care facilities, food service establishments, guest rooms in any lodging establishment, laundromats, performance halls, polling places, professional offices, public transportation facilities and vehicles, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, service lines and sports arenas. Every room, chamber, place of meeting or public assembly shall be considered a *public place* during the period of time that a public meeting is in progress. All areas of an establishment that are open to, or customarily used by, the general public, including, but not limited to, elevators, rest rooms, lobbies, reception areas, hallways, waiting rooms and other common areas, are *public places*. A private residence shall be considered a *public place* only when in use as a child care, adult day care or health care facility. Common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities are *public places*. A private nursing home room shall be considered to be the equivalent of a private residence, but a nonprivate nursing home room shall be considered to be a *public place*. Every outdoor serving area, bus bench, bus shelter, transit facility and bus stop shall be considered a *public place*, except that a bus stop without either a bench or structure shall not be considered a *public place*.

Retail tobacco business shall mean an establishment utilized primarily for the retail sale of tobacco, electronic smoking devices, and smoking products and accessories, for off-site use and consumption, and in which the sale of other products and nonsales activities are merely incidental. The term *retail tobacco business* shall not include any

establishment that is in the business of selling retail or medical marijuana. For an establishment to be considered a *retail tobacco business* for purposes of this definition:

- (1) The revenues of the business must be generated primarily from the on-site sale of tobacco, electronic smoking devices, and smoking products and accessories. The sale of incidental goods other than tobacco, electronic smoking devices, or smoking products and accessories may generate limited revenues of no more than eight (8) percent of the total on-site revenues of the retail tobacco business.
- (2) The business shall not operate under a liquor license or other license associated with sale or consumption of other than tobacco products.
- (3) The business shall not exceed two thousand five hundred (2,500) square feet of gross floor area in size, and no more than twenty (20) percent of the business may be utilized as a seating area, lounge or other area intended to accommodate smoking for the purpose of sampling tobacco products that are offered for sale.
- (4) An establishment in operation as of July 1, 2006, that as of that date was an establishment utilized primarily for the retail sale or promotion of tobacco products and accessories and that met the requirements in Paragraphs (1) and (2) above, shall be deemed to constitute a retail tobacco business for so long as the establishment:
 - a. Continues to meet the requirements in Paragraphs (1) and (2) above; and
 - b. Does not expand the size of the area in which smoking is allowed from the size of said area as it existed on July 1, 2006; and
 - c. At all times after December 31, 2006, operates in compliance with the requirements of Paragraph 12-62(a)(2) of this Article.

Smoke or *smoking* shall mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe or any other lighted or heated tobacco, marijuana, hemp, cloves, smoking material or other plant product packaged, marketed, sold or intended for inhalation, whether natural or synthetic, in any manner or in any form. *Smoke* or *smoking* also includes the use of an ESD and the act of vaping.

Smoking material shall mean any natural or synthetic plant-based matter, material or product, or any liquid, vapor or aerosol, that is packaged, marketed, sold or intended for smoking or vaping.

Smoking material includes, but is not limited to:

- (1) Tobacco, cloves, marijuana or hemp; or
- (2) Liquids, vapors or aerosols intended to be consumed with an electronic smoking device or by a device requiring the use of flame or heat; or
- (3) Any product or material packaged, marketed, sold, or intended to smoke or vape kratom, Delta-8 cannabinoids, or synthetic marijuana. There shall be a rebuttable presumption that any such product or material packaged, marketed, intended or held out for sale without any instruction as to how to be consumed is intended to be smoked.

Smoke-free shall mean that an establishment or the premises controlled by that establishment has been declared to be a place in which smoking is prohibited, whether by the terms of this Article or by the owner or operator of said establishment.

Special event shall mean a parade, athletic contest, street fair, art and craft show, carnival, block party, soap box derby, or other outdoor event which is not a demonstration as defined in Section 23.5-2, that occurs on a street or highway, including sidewalks, or on a publicly owned outdoor mall or plaza, or on other property owned or leased by the City, which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any City affairs on the property,

obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the event or other persons, to which a special events permit has been issued pursuant to Chapter 23.5.

Tobacco shall mean cigarettes, cigars, cheroots, stogies and periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff and snuff flour, cavendish, plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and seepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for both chewing or for smoking in a cigarette, pipe, electronic smoking device or otherwise, or both for chewing and smoking.

(Code 1972, § 91-2; Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 1, 3-16-04; Ord. No. 122, 2006, §§ 1, 2, 10-17-06; Ord. No. 158, 2013, § 1, 11-19-13; Ord. No. 098, 2014, § 1, 7-15-14; Ord. No. 015, 2015, § 2, 2-17-15; Ord. No. 098, 2015, § 1, 9-1-15; Ord. No. 157, 2018, § 13, 12-18-18; Ord. No. 082, 2021, § 2, 7-6-21)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 12-57. Findings; purposes.

(a) The City Council has found and determined as follows:

- (1) It is in the best interest of the people who live, work and play in the City to protect the public from involuntary exposure to emissions from secondhand smoke and electronic smoking devices (ESD) in the Downtown Smoke-Free Zone, on City-owned property and in most indoor areas open to the public, in public meetings, in food service establishments, and in places of employment; and
- (2) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in non smokers. At special risk are children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
 - a. Secondhand smoke has been classified as a Class A carcinogen like asbestos by the Environmental Protection Agency; and
 - b. Secondhand smoke contains almost five thousand (5,000) chemicals, sixty (60) which are known toxins and carcinogens, including arsenic, formaldehyde, hydrogen cyanide and radioactive elements; and
 - c. There is no safe level of exposure to secondhand smoke; and
 - d. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection and decreased respiratory function, including bronchoconstriction and bronchospasm; and
- (3) ESD emissions consist of ultrafine particles that are significantly more highly concentrated than particles within conventional tobacco smoke. There is conclusive evidence that most ESDs contain and emit not only nicotine but also many other potentially toxic substances and that ESDs increase airborne concentrations of particulate matter and nicotine in indoor environments. In addition, studies show that people exposed to ESD emissions absorb nicotine at levels comparable to the levels experienced by passive smokers. Many of the elements identified in ESD emissions are known to cause respiratory distress and disease, and ESD exposure damages lung tissues. For example, human lung cells that are exposed to ESD aerosol and flavorings show increased oxidative stress and inflammatory responses.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 082, 2021, § 3, 7-6-21)

Sec. 12-58. Smoking prohibited in City buildings and vehicles.

All enclosed facilities of the City, including but not limited to all City-owned buildings and vehicles owned by the City, shall be subject to the provisions of this Article.

(Ord. No. 181, 2002, § 1, 12-17-02)

Sec. 12-58.5. Smoking prohibited on City-owned property.

Smoking shall be prohibited on all City-owned property. Unless otherwise prohibited by City Code, this section shall not apply to persons lawfully smoking entirely within an enclosed privately owned motor vehicle.

(Ord. No. 015, 2015, § 3, 2-17-15 ; Ord. No. 098, 2015, § 2, 9-1-15)

Sec. 12-59. Smoking prohibited in public places.

Smoking shall be prohibited in all public places within the City, except as otherwise expressly permitted under this Article.

(Ord. No. 181, 2002, § 1, 12-17-02)

Sec. 12-59.5. Smoking prohibited in the Downtown Smoke-Free Zone.

Smoking shall be prohibited in the Downtown Smoke-Free Zone. Unless otherwise prohibited by City Code, this Section shall not apply to any person smoking:

- (a) in a privately-owned residence;
- (b) entirely within an enclosed privately-owned motor vehicle; or
- (c) in a retail tobacco business.

(Ord. No. 015, 2015, § 4, 2-17-15 ; Ord. No. 098, 2015, § 3, 9-1-15 ; Ord. No. 172, 2017 , § 2, 12-19-17)

Sec. 12-60. Smoking prohibited in places of employment.

- (a) It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers may comply with this requirement through the implementation of policies and practices and are not required to incur any expense to make structural or other physical modifications, unless such modifications are otherwise required under § 12-63.
- (b) Each employer having a place of employment located within the City shall adopt, implement, make known and maintain a written smoking policy which shall prohibit smoking in all smoke-free areas within such place of employment. All common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, rest rooms, vehicles and all other enclosed facilities that are, or are within, places of employment shall be smoke-free areas, whether or not they are public places, except those areas identified in Subsection 12-62(a). An employer having a place of employment that includes both smoke-free areas and areas in which smoking is allowed under this Article shall accommodate any employee who requests a smoke-free work area by assigning the employee to such an area.

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- (c) This smoking policy shall be communicated by each such employer to all employees within three (3) weeks of its adoption, and all employers shall supply a written copy of the same upon request, to any existing or prospective employee.

(Ord. No. 181, 2002, §§ 1, 2, 12-17-02)

Editor's note(s)—The original Section 12-63, referenced in Subsection (a) above, was repealed by Ord. No. 122, 2006.

Sec. 12-60.5. Smoking prohibited at special events.

Smoking shall be prohibited at all special events.

(Ord. No. 015, 2015, § 5, 2-17-15)

Sec. 12-61. Smoke-free perimeter. ²

In order to prevent smoke from entering any smoke-free area, no person shall smoke within a distance of twenty (20) feet from any entrance, passageway, operable window or ventilation system of any smoke-free establishment or area, or within twenty (20) feet of the exterior boundary of any unenclosed areas required to be smoke-free under this Article, including, but not limited to, outdoor serving areas, bus benches, bus shelters and transit centers, unless such person is immediately passing through such areas, without stopping or standing, en route to another destination.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 158, 2013 , § 2, 11-19-13)

Sec. 12-62. Where smoking is not prohibited.

Notwithstanding any other provision of this Article to the contrary, retail tobacco businesses shall be exempt from the smoking prohibition set forth in § 12-59 above, provided that the following conditions shall apply:

- (1) The business must be designed, constructed and operated in such fashion as to prevent smoke originating on its premises from entering any smoke-free area. It must be also physically separated from other establishments and independently ventilated as prescribed by the most current building and mechanical codes adopted by the City and as administered by the Building Official.
- (2) The business must, prior to allowing smoking on the premises, first obtain a certificate of occupancy from the Building Official allowing such smoking in or on the premises of the store depicting floor space used for retail sales and floor space used for other purposes. Any certificate of occupancy allowing smoking shall be conditioned upon compliance with these regulations and conformance to the floor plan approved by the Building Official as the basis for issuance of the certificate of occupancy. Failure to comply with these regulations and any other laws applicable to the sale and consumption of tobacco products shall be cause for revocation of the certificate of occupancy.

²In accordance with the provisions of Ord. No. 186, 2013, adopted 1-7-14, for businesses with outdoor serving areas within or adjacent to sidewalks or other public rights-of-way, the amendments made by this Ordinance shall take effect as of midnight, January 17, 2014. For businesses with outdoor serving areas not within or adjacent to sidewalks or other public rights-of-way, the amendments made by this Ordinance shall take effect as of midnight, June 17, 2014.

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- (3) A violation of any of the conditions or limitations of a certificate of occupancy for a retail tobacco business, whether by the store owner, proprietor, manager, employee, agent or otherwise, or violation of the requirements for operation of a retail tobacco business set forth in this Article, shall be the responsibility of the business owner and shall be grounds for revocation of the certificate of occupancy, in addition to any other penalties imposed by the provisions of § 12-67.
 - (4) Persons under twenty-one (21) years of age shall not be permitted on the premises of the business, and proof of age shall be required for all persons entering the business. The retail tobacco business shall be responsible for providing adequate staffing and training to ensure an effective system for preventing persons under twenty-one (21) years of age from entering the business.
 - (5) In addition to other signs required to be posted pursuant to this Article, any retail tobacco business shall post and maintain a sign at all public entrances thereto, in a conspicuous position clearly visible upon entry, stating the phrase "Persons under the age of 21 not permitted". In addition, the sign, or another similarly posted sign, shall state the phrase "Surgeon General's Warning: Smoking Can Cause Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy". Any sign required hereunder shall meet the size and location requirements of Subsection 12-63(b).

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 2, 3-16-04; Ord. No. 122, 2006, § 3, 10-17-06; Ord. No. 098, 2014, § 2, 7-15-14 ; Ord. No. 082, 2021 , § 4, 7-6-21)

Editor's note(s)—The original Section 12-63, referenced in Subsection (e) above, was repealed by Ord. No. 122, 2006.

Sec. 12-63. Posting of signs.

- (a) The owner, operator, manager and other persons in control of an establishment shall be responsible for posting and maintaining the following signs in said establishment, as applicable:
 - (1) "*No Smoking*" signs or the international "*No Smoking*" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) shall be clearly and conspicuously posted at every entrance of every establishment required or declared to be smoke-free under this Article.
 - (2) In an establishment in which certain areas are designated as smoking areas pursuant to this Article, a sign using the words "*No Smoking Except in Designated Areas*" shall be posted conspicuously at all public entrances and in a position clearly visible upon entry into the establishment.
 - (3) In an establishment in which smoking is allowed pursuant to this Article, a sign using the words "*Smoking Permitted*" and/or the international smoking symbol shall be posted conspicuously at all public entrances and in a position clearly visible upon entry into the establishment stating either:
 - a. "Smoking Permitted. Persons under twenty-one (21) years of age may not enter."; or
 - b. In the case of a retail tobacco business that desires to allow the use of ESDs but not other forms of smoking on the premises, "Vaping Permitted. Persons under twenty-one (21) years of age may not enter."
- (b) All signs referred to in this Section shall be a minimum size of twenty-four (24) square inches and shall be placed at a height of between four (4) and six (6) feet above the floor.
- (b) All signs referred to in this Section shall be a minimum size of twenty (20) square inches and shall be placed at a height of between four (4) and six (6) feet above the floor.
- (c) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited under this Article by the owner, operator, manager or other person in control of the establishment, except that, where the provisions of § 12-61 dealing with smoke-free perimeters would otherwise preclude the

installation of an ashtray for disposal of cigarettes, cigars or other tobacco products in the general vicinity of the establishment, such an ashtray shall be allowed, provided that any such ashtray is:

- (1) Placed as far as practicable from the entrance, passageway, operable window or ventilation system of any smoke-free establishment; and
 - (2) Prominently marked with a sign declaring as follows: "*Smoking Not Permitted Within 20 Feet of Any Smoke-Free Establishment.*"
- (d) The owner or person in control of any vehicle in which smoking is prohibited under this Article shall clearly and conspicuously post in the interior of the vehicle decals or signs stating or indicating that no smoking is permitted in the vehicle.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 122, 2006, §§ 4, 5 10-17-06; Ord. No. 082, 2021 , § 5, 7-6-21)

Sec. 12-64. Enforcement.

- (a) Enforcement of this Article shall be implemented by the City Manager or their designee.
- (b) Notice of the provisions set forth in this Article shall be given to all applicants for a sales/use tax license in the City pursuant to Chapter 25 of this Code.
- (c) Any citizen may register a complaint of alleged violation of this Article by filing a sworn complaint with the City Manager or their designee.
- (d) Any owner, manager, operator or agent of any establishment regulated by this Article shall inform persons violating this Article in such establishment of the appropriate provisions thereof and request their compliance.
- (e) The City Manager may make such rules and regulations as they deem necessary and beneficial for the interpretation and enforcement of the terms of this Article. Any such rules and regulations shall become effective upon the filing of the same with the office of the City Clerk and the publication in a newspaper of general circulation published in the City of a notice stating the general subject matter and the availability of the same in the office of the City Clerk.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 118, 2003, § 2, 9-2-03; Ord. No. 122, 2006, 10-17-06; Ord. No. 082, 2021 , § 6, 7-6-21)

Editor's note(s)—The City Manager has established regulations as of September 24, 2003. A copy is on file at the City Clerk's office.

Sec. 12-65. Inspection of books and records.

The owner of each establishment operating as an enclosed public place shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, correspondence and all other records necessary to show fully the business transactions of such establishment, all of which records shall be available at all times during business hours for inspection and examination by the Director of Community Development and Neighborhood Services or his or her authorized representatives for use in determining the applicability of the provisions of this Article to such establishment. The Director of Community Development and Neighborhood Services may require the owner of any such establishment to furnish such information as he or she considers necessary for such a determination, and may require that the owner of such establishment cause an audit to be made of such books of account and records on such occasions as he or she may consider necessary.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. 039, 2004, § 3, 3-16-04; Ord. No. 122, 2006, § 6, 10-17-06; Ord. No. 030, 2012 , § 30, 4-17-12)

Sec. 12-66. Nonretaliation.

No person or employer shall discharge, refuse to hire or serve, or retaliate in any manner against any employee, applicant for employment or customer because such employee, applicant or customer exercises any right to a smoke-free environment afforded by this Article.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 4, 3-16-04; Ord. No. 122, 2006, § 7, 10-17-06)

Sec. 12-67. Violations and penalties.

- (a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this Article to fail to comply with any of its provisions.
- (b) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Article.
- (c) Any person who violates any provision of this Article shall be guilty of a petty offense, punishable by a fine in accordance with § 1-15(h).
- (d) Each day of continuing violation shall be deemed to be a separate violation.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 4, 3-16-04; Ord. No. 122, 2006, § 7, 10-17-06; Ord. No. 172, 2017, § 2, 12-19-17)

Sec. 12-68. Public education.

The Director of Community Development and Neighborhood Services shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Article.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 4, 3-16-04; Ord. No. 122, 2006, § 7, 10-17-06; Ord. No. 030, 2012, § 31, 4-17-12)

Sec. 12-69. Other applicable laws.

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 4, 3-16-04; Ord. No. 122, 2006, § 7, 10-17-06)

Sec. 12-70. Severability.

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

(Ord. No. 181, 2002, § 1, 12-17-02; Ord. No. 039, 2004, § 4, 3-16-04; Ord. No. 122, 2006, § 7, 10-17-06)

Secs. 12-71—12-74. Reserved.