

9 **6-10-1: DEFINITIONS: Littleton 2020**

10 As used in this chapter, unless the context otherwise requires:

11

12 AUDITORIUM: The part of a public building where an audience gathers to attend a  
13 performance, and includes any corridors, hallways, or lobbies adjacent thereto.

14

15 BAR: Any indoor area that is operated and licensed under ~~article 47 of title 12~~ ARTICLE 3  
16 TITLE 44, Colorado Revised Statutes, primarily for the sale and service of alcoholic beverages  
17 for on premises consumption and where the service of food is secondary to the consumption of  
18 such beverages.

19

20 ELECTRONIC SMOKING DEVICE (ESD): ANY PRODUCT THAT CONTAINS OR  
21 DELIVERS NICOTINE OR ANY OTHER SUBSTANCE INTENDED FOR HUMAN  
22 CONSUMPTION AND THAT CAN BE USED BY A PERSON TO ENABLE THE  
23 INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. INCLUDES ANY  
24 PRODUCT OR DEVICE, WHETHER MANUFACTURED, DISTRIBUTED, MARKETED,  
25 OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, E-HOOKAH, OR VAPE PEN OR  
26 UNDER ANY OTHER PRODUCT NAME OR DESCRIPTOR. IT DOES NOT INCLUDE A  
27 HUMIDIFIER OR SIMILAR DEVICE THAT EMITS ONLY WATER VAPOR, OR AN  
28 INHALER, NEBULIZER, OR VAPORIZER THAT IS APPROVED BY THE FEDERAL  
29 FOOD AND DRUG ADMINISTRATION FOR THE DELIVERY OF MEDICATION.

30 EMPLOYEE: Any person who:

31 (A) Performs any type of work for benefit of another in consideration of direct or indirect wages  
32 or profit; or

33 (B) Provides uncompensated work or services to a business or nonprofit entity.

34 "Employee" includes every person described herein, regardless of whether such person is  
35 referred to as an employee, contractor, independent contractor, or volunteer or by any other  
36 designation or title.

37 EMPLOYER: Any person, partnership, association, corporation, or nonprofit entity that employs  
38 one or more persons. "Employer" includes, without limitation, the legislative, executive, and

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1 judicial branches of state government; any county, city and county, city, or town, or  
2 instrumentality thereof, or any other political subdivision of the state, special district, authority,  
3 commission, or agency; or any other separate corporate instrumentality or unit of state or local  
4 government.

5

6 ENTRYWAY: The outside of the front or main doorway leading into a building or facility that is  
7 not exempted from this chapter under section [6-10-3](#) of this chapter. "Entryway" also includes  
8 the area of public or private property within a radius of fifteen feet (15') outside of the doorway.

9

10 ENVIRONMENTAL TOBACCO SMOKE, ETS, OR SECONDHAND SMOKE: The complex  
11 mixture formed from the escaping smoke of a burning tobacco product, also known as  
12 "sidestream smoke", and smoke exhaled by the smoker.

13

14 FOOD SERVICE ESTABLISHMENT: Any indoor area or portion thereof in which the principal  
15 business is the sale of food for on premises consumption. The term includes, without limitation,  
16 restaurants, cafeterias, coffee shops, diners, sandwich shops, and short order cafes.

17

18 INDOOR AREA: Any enclosed area or portion thereof. The opening of windows or doors, or the  
19 temporary removal of wall panels, does not convert an indoor area into an outdoor area.

20

21 MARIJUANA: Has the same meaning as in section 16(2)(f) of article XVIII of the state  
22 constitution.

23

24 PLACE OF EMPLOYMENT: Any indoor area or portion thereof under the control of an  
25 employer in which employees of the employer perform services for, or on behalf of, the  
26 employer.

27

28 PUBLIC BUILDING: Any building owned or operated by:

29 (A) The state, including the legislative, executive, and judicial branches of state government;

30 (B) Any county, city and county, city, or town, or instrumentality thereof, or any other political  
31 subdivision of the state, a special district, an authority, a commission, or an agency; or

32 (C) Any other separate corporate instrumentality or unit of state or local government.

33 PUBLIC MEETING: Any meeting open to the public pursuant to part 4 of article 6 of title 24,  
34 Colorado Revised Statutes, or any other law of this state.

35

36 SMOKE FREE WORK AREA: An indoor area in a place of employment where smoking is  
37 prohibited under this chapter.

38

39 ~~SMOKING: The burning of a lighted cigarette, cigar, pipe, or any other matter or substance that~~  
40 ~~contains tobacco or marijuana.~~ INHALING, EXHALING, BURNING, OR CARRYING ANY  
41 LIGHTED OR HEATED CIGAR, CIGARETTE, OR PIPE OR ANY OTHER LIGHTED OR  
42 HEATED TOBACCO OR PLANT PRODUCT INTENDED FOR INHALATION INCLUDING

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1 MARIJUANA, WHETHER NATURAL OR SYNTHETIC, IN ANY MANNER OR IN ANY  
2 FORM. "SMOKING" ALSO INCLUDES THE USED OF AN ESD.

3  
4 TOBACCO: Cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut,  
5 ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist  
6 tobacco; fine cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and  
7 sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be  
8 suitable for chewing or for smoking in a cigarette, pipe, electronic smoking device, or otherwise,  
9 or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or  
10 product that is packaged for smoking.

11  
12 TOBACCO BUSINESS: A sole proprietorship, corporation, partnership, or other enterprise  
13 engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or  
14 smoking devices or accessories, INCLUDING ESDS, either at wholesale or retail, and in which  
15 the sale, manufacture, or promotion of other products is merely incidental.

16  
17 WORK AREA: An area in a place of employment where one or more employees are routinely  
18 assigned and perform services for or on behalf of their employer.

19 **6-10-2: GENERAL SMOKING RESTRICTIONS:**

20  
21 Except as provided in section [6-10-3](#) of this chapter, ~~and in order to reduce the levels of exposure~~  
22 ~~to environmental tobacco and marijuana smoke~~, smoking IS shall not be permitted and no person  
23 shall smoke:

24  
25 (A) In any outdoor public area located in the area bounded by the centerlines of S. Rio Grande  
26 and Bega Streets on the east; S. Santa Fe Drive on the west; W. Alamo Avenue on the south;  
27 and W. Powers Avenue on the north, excluding rooftop and back patios, alleys and privately  
28 owned parking lots within such area. For purposes of this subsection, the boundary of W.  
29 Powers Avenue shall be treated as if it extended to S. Santa Fe Drive; and

30 (B) In any indoor area, including, but not limited to:

- 31 1. Public meeting places;  
32 2. Elevators;  
33 3. Government owned or operated means of mass transportation, including, but not limited to,  
34 buses, vans, and trains;  
35 4. Taxicabs and limousines;  
36 5. Grocery stores;  
37 6. Gymnasiums;  
38 7. Jury waiting and deliberation rooms;  
39 8. Courtrooms;  
40 9. Child daycare facilities;

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- 1 10. Healthcare facilities including hospitals, healthcare clinics, doctor's offices, and other
- 2 healthcare related facilities;
- 3 11. Any place of employment that is not exempted, WHETHER OR NOT OPEN TO THE
- 4 PUBLIC AND REGARDLESS OF THE NUMBER OF EMPLOYEES. In the case of employers
- 5 who own facilities otherwise exempted from this chapter, each such employer shall provide a
- 6 smoke free work area for each employee requesting not to have to breathe SECONDHAND
- 7 SMOKE AND EMISSIONS FROM ELECTRONIC SMOKING DEVICES; ~~environmental~~
- 8 ~~tobacco smoke. Every employee shall have a right to work in an area free of environmental~~
- 9 ~~tobacco smoke;~~
- 10 12. Food service establishments;
- 11 13. Bars;
- 12 14. Limited gaming facilities and any other facilities in which any gaming or gambling activity is
- 13 conducted;
- 14 15. Indoor sports arenas;
- 15 16. Restrooms, lobbies, hallways, and other common areas in public and private buildings,
- 16 condominiums, and other multiple-unit residential facilities;
- 17 17. ~~Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least~~
- 18 ~~seventy five percent (75%) of the sleeping quarters within a hotel or motel that are rented to~~
- 19 ~~guests;~~ HOTEL AND MOTEL ROOMS;
- 20 18. Bowling alleys;
- 21 19. Billiard or pool halls;
- 22 20. Facilities in which games of chance are conducted;
- 23 21. The common areas of retirement facilities, publicly owned housing facilities, and, nursing
- 24 homes, but not including any resident's private residential quarters; ~~or areas of assisted living~~
- 25 ~~facilities;~~
- 26 22. Public buildings;
- 27 23. Auditoria;
- 28 24. Theaters;
- 29 25. Museums;
- 30 26. Libraries;
- 31 27. Public and nonpublic schools;
- 32 28. Other educational and vocational institutions; ~~and~~
- 33 ~~The entryways of all buildings and facilities listed in subsections (B)1 to (B)28 of this~~
- 34 ~~section.~~ ASSISTED LIVING FACILITIES, INCLUDING NURSING FACILITIES AS
- 35 DEFINED IN SECTION 25.5-4-103, COLORADO REVISED STATUTES, AND ASSISTED
- 36 LIVING RESIDENCES AS DEFINED IN SECTION 25-27-102; AND
- 37 30. THE ENTRYWAYS OF ALL BUILDINGS AND FACILITIES LISTED IN
- 38 SUBSECTIONS (B)(1) TO (B)(29) OF THIS SECTION; AND
- 39
- 40 (C) IN ANY OUTDOOR PUBLIC PARK, TRAIL, OR OPEN SPACE.

41 **6-10-3: EXCEPTIONS TO SMOKING RESTRICTIONS:**

42

43 This chapter shall not apply to:

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1  
2 (A) Private homes, private residences, and private automobiles; except that this chapter shall  
3 apply if any such home, residence, or vehicle is being used for childcare or daycare or if a  
4 private vehicle is being used for the public transportation of children or as part of healthcare  
5 or daycare transportation;

6 (B) Limousines under private hire;

7 ~~(C) A hotel or motel room rented to one or more guests if the total percentage of such hotel or~~  
8 ~~motel rooms in such hotel or motel does not exceed twenty five percent (25%);~~

9 (D) Any retail tobacco business; PROVIDED, ANY CIGAR-TOBACCO BAR OR RETAIL  
10 TOBACCO BUSINESS SHALL PROHIBIT ENTRY BY ANY PERSON UNDER TWENTY-  
11 ONE (21) YEARS OF AGE AND SHALL DISPLAY SIGNAGE IN AT LEAST ONE  
12 CONSPICUOUS PLACE AND AT LEAST FOUR INCHES BY SIX INCHES IN SIZE  
13 STATING: "SMOKING ALLOWED. CHILDREN UNDER TWENTY-ONE YEARS OF AGE  
14 MAY NOT ENTER."

15 (E) The privately owned outdoor area of any business, except that the entryways of businesses  
16 located in a building or facility listed in subsection [6-10-2\(B\)](#) of this chapter and the outdoor  
17 areas referenced in subsection [6-10-2\(A\)](#) of this chapter shall be subject to the provisions of this  
18 chapter;

19 ~~(F) A place of employment that is not open to the public and that is under the control of an~~  
20 ~~employer that employs three (3) or fewer employees;~~

21 (G) A private, nonresidential building on a farm or ranch, as defined in section 39-1-102,  
22 Colorado Revised Statutes, that has annual gross income of less than five hundred thousand  
23 dollars (\$500,000.00); or

24 ~~(H) The areas of assisted living facilities that are designated for smoking for residents, are fully~~  
25 ~~enclosed and ventilated and to which access is restricted to the residents or their guests. As used~~  
26 ~~in this subsection, "assisted living facility" means a nursing facility, as that term is defined in~~  
27 ~~section 25.5-4-103, Colorado Revised Statutes, and an assisted living residence, as that term is~~  
28 ~~defined in section 25-27-102.~~

29 **6-10-4: OPTIONAL PROHIBITIONS:**

30  
31 (A) The owner or manager of any place ~~not specifically listed in section [6-10-2](#) of this chapter,~~  
32 ~~including a place otherwise exempted under section [6-10-3](#) of this chapter,~~ may post signs  
33 prohibiting smoking. ~~or providing smoking and nonsmoking areas.~~ Such posting shall have  
34 the effect of including such place, ~~or the designated nonsmoking portion thereof,~~ in the  
35 places where smoking is prohibited or restricted pursuant to this chapter.

1

2 ~~(B) If the owner or manager of a place not specifically listed in section [6-10-2](#) of this chapter,~~  
3 ~~including a place otherwise exempted under section [6-10-3](#) of this chapter, is an employer~~  
4 ~~and receives a request from an employee to create a smoke free work area as contemplated~~  
5 ~~by subsection [6-10-2](#)(B)11 of this chapter, the owner or manager shall post a sign or signs in~~  
6 ~~the smoke free work area as provided in subsection (A) of this section.~~

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1  
2 INTRODUCTION AS A BILL at a regularly scheduled meeting of the City Council  
3 of the City of Littleton on the 3<sup>rd</sup> day of March, 2020, passed on first reading by a vote of 6 FOR  
4 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
5 Municipal Courthouse and on the City of Littleton Website.

6 PUBLIC HEARING on the Ordinance to take place on the 17<sup>th</sup> day of March<sup>1</sup>,  
7 2020, in the Council Chamber<sup>2</sup>, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,  
8 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

9 PASSED on second and final reading, following public hearing, by a vote of 7  
10 FOR and 0 AGAINST on the 5<sup>th</sup> day of May, 2020 and ordered published by posting at Littleton  
11 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

12 ATTEST:

DocuSigned by:

13 *Colleen Norton*

14 Colleen E. Norton

15 CITY CLERK

DocuSigned by:

16 *Reid Betzing*

17 Reid Betzing

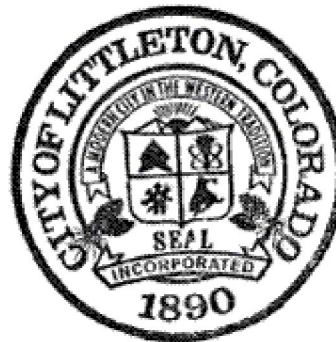
18 CITY ATTORNEY

DocuSigned by:

19 *Jerry Valdes*

20 Jerry Valdes

21 MAYOR



1 Public Hearing rescheduled to May 5, 2020 due to COVID-19 closures

2 Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.