

CHAPTER 9.40. REGULATION OF SMOKING¹

9.40.010. Statement of intent.

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

(Ord. No. O-2017-40, § 1, 8-8-2017)

9.40.020. Definitions.

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

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

Entryway means:

- A. For city-owned buildings or enclosed areas, the outside of any doorway leading into or exiting from a building or enclosed area, including the area of public or private property within 25 feet of the doorway.
- B. For all other buildings or enclosed areas, the outside of the main or front doorway leading into or exiting a building, including the area of public or private property within 15 feet of the doorway.

¹Editor's note(s)—Ord. No. O-2017-40, § 1, adopted Aug. 8, 2017, repealed the former ch. 9.40, §§ 9.40.010—9.40.060, and enacted a new ch. 9.40 as set out herein. The former ch. 9.40 was entitled "Smoking in Public Places," and derived from: Code 1993, §§ 9.40.010—9.40.060; Ord. No. O-85-81, § 1; Ord. No. O-94-61, § 9; and Ord. No. O-2003-73, § 1.

State law reference(s)—Colorado Clean Indoor Air Act C.R.S. § 25-14-201 et seq.

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

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

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

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

(Ord. No. O-2017-40, § 1, 8-8-2017)

9.40.030. Smoking generally prohibited.

Except as otherwise provided in this chapter, smoking is prohibited in the following areas:

- A. Any public place, or place of employment that is not exempted from this chapter, or in the entryway of any such public place or place of employment.
- B. The block containing the Longmont Civic Center and Longmont Public Library, including all sidewalks and grassy areas, as set forth on appendix A to this chapter.
- C. The area around the city's Senior Center and Memorial Building, as set forth on appendix B to this chapter.
- D. The area including and adjacent to Main Street within the boundaries of the Longmont Downtown Development Authority, as set forth on appendix C to this chapter.

(Ord. No. O-2017-40, § 1, 8-8-2017; Ord. No. O-2019-36 , § 2, 6-25-2019)

9.40.040. Smoking permitted in certain places.

Notwithstanding any other provision of this chapter, smoking is permitted in the following places:

- A. In retail stores primarily engaged in the sale of tobacco or tobacco accessories.
- B. A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees; however, each such employer shall provide a smoke-free work area for each employee requesting a smoke-free work area.
- C. In outdoor areas not included in appendix C that are designated as a smoking area by an employer, but such designated smoking areas must be sufficiently isolated to maintain a reasonably smoke-free environment in proximate nonsmoking areas.

(Ord. No. O-2017-40, § 1, 8-8-2017; Ord. No. O-2019-36 , § 3, 6-25-2019)

9.40.050. Required signs.

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

-
- A. In each public place where smoking is prohibited by this chapter, the owner, proprietor or person in charge having principal possessory interest shall post and maintain a sign bearing the words, "NO SMOKING", and which may also contain the international no smoking symbol, either on all public entrances or in a position clearly visible on entry to the public place.
 - B. In areas designated by an employer as a smoking area pursuant to subsection 9.40.040.C. The employer shall conspicuously post a sign using the words "EMPLOYEE SMOKING AREA" at the entrances to each such designated area.

(Ord. No. O-2017-40, § 1, 8-8-2017)

9.40.060. Unlawful acts—Penalties.

- A. It is unlawful for any person to violate any provision of this chapter.
- B. The court shall fine any person violating this chapter between \$35.00 and \$500.00. Upon a second or subsequent conviction within 12 months, the minimum fine is \$50.00, which the court shall not suspend. The court shall allocate \$10.00 of such fine collected to the municipal probation office to acquire materials and programming providing health information on the dangers of smoking. The probation office shall make those materials and programming available to educational institutions, citizens groups and offenders.

(Ord. No. O-2017-40, § 1, 8-8-2017)

PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX A. DESIGNATED NO SMOKING AREA

APPENDIX A. DESIGNATED NO SMOKING AREA

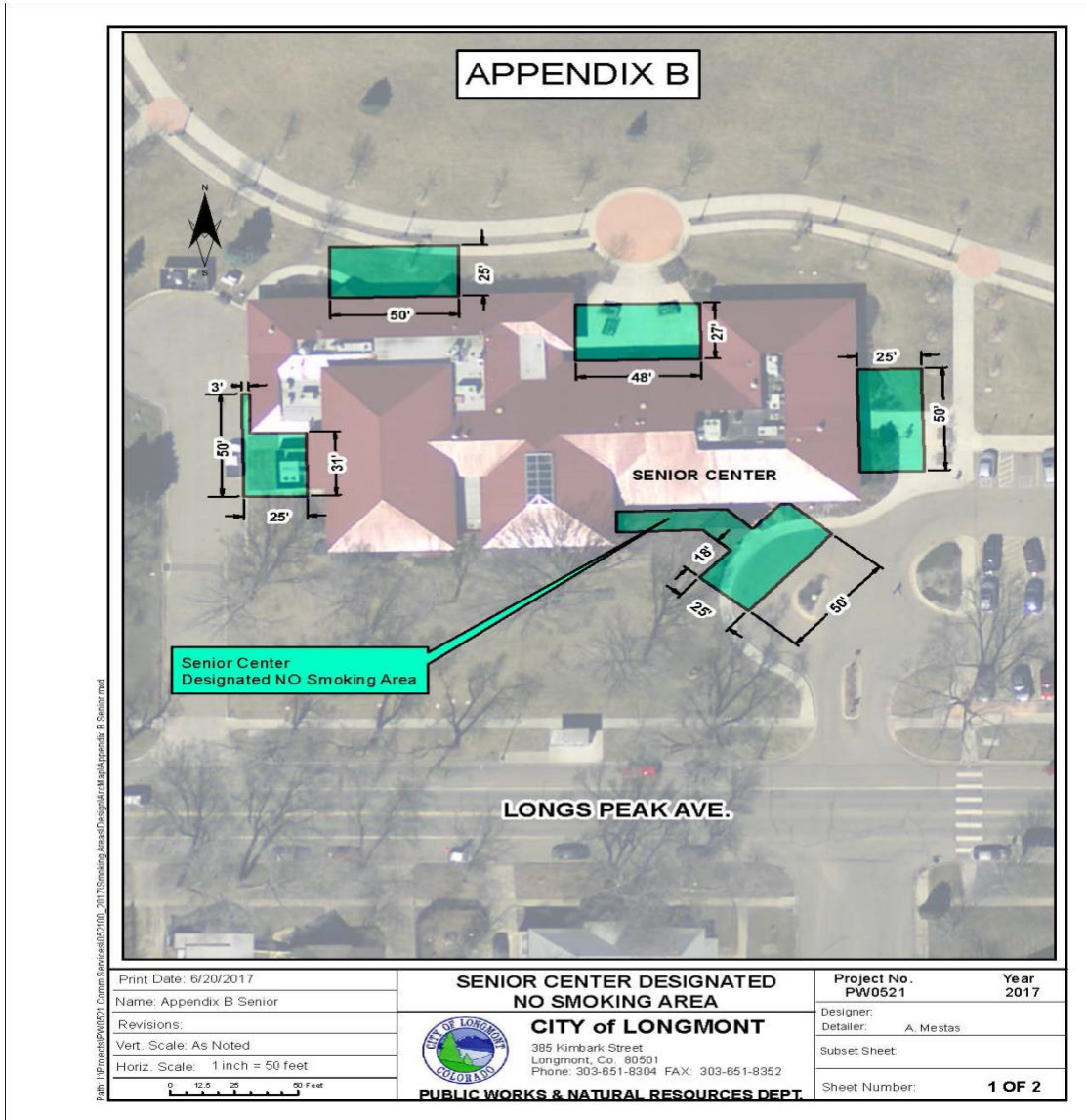


Path: I:\Projects\PW0521_Comm_Services\02\100_2017_Smoking_Areas\DesignatedNoSmokingAreas_A_Civic-Library_NO SMK.mxd

| | | | | | | | | | | | | | | |
|--|--|---|--------------------|-------------|--------|------|------------------|--|------------------|-----------|---------------------|--|----------------------|----------|
| Print Date: 6/20/2017 Name: Appendix A Civic-Library NO SMK Revisions: Vert. Scale: As Noted Horiz. Scale: 1 inch = 100 feet | 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. | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: none;">Project No.</td> <td style="border: none;">Year</td> </tr> <tr> <td style="border: none;">PW0521</td> <td style="border: none;">2017</td> </tr> <tr> <td style="border: none;">Designer:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Detailer:</td> <td style="border: none;">A. Mestas</td> </tr> <tr> <td style="border: none;">Subset Sheet</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sheet Number:</td> <td style="border: none;">4</td> </tr> </table> | Project No. | Year | PW0521 | 2017 | Designer: | | Detailer: | A. Mestas | Subset Sheet | | Sheet Number: | 4 |
| Project No. | Year | | | | | | | | | | | | | |
| PW0521 | 2017 | | | | | | | | | | | | | |
| Designer: | | | | | | | | | | | | | | |
| Detailer: | A. Mestas | | | | | | | | | | | | | |
| Subset Sheet | | | | | | | | | | | | | | |
| Sheet Number: | 4 | | | | | | | | | | | | | |

PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX B. DESIGNATED NO SMOKING AREAS

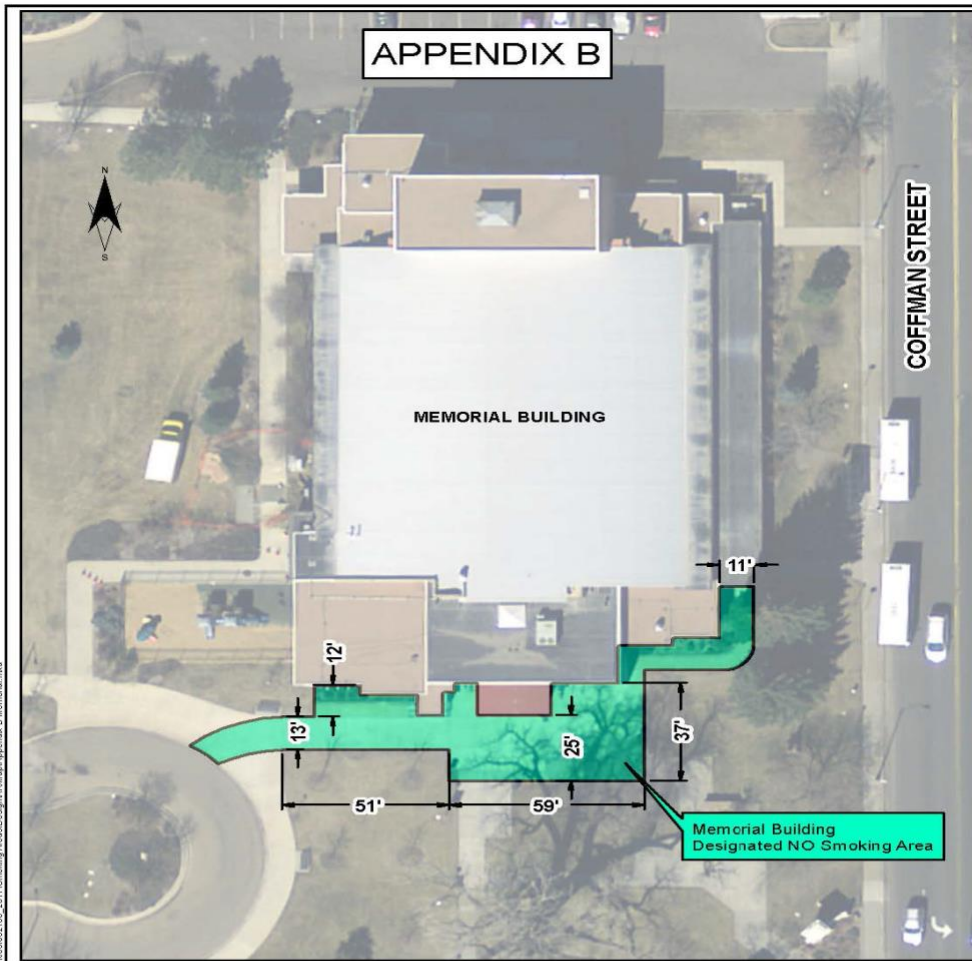
APPENDIX B. DESIGNATED NO SMOKING AREAS



Path: I:\Projects\PW0521\Comm\Services\052100_2017\Smoking Areas\Design\trk\trkAppendix B Senior.mxd

| | | | | | | | | | | |
|---|--|--|-----------------------|--------------|----------------------------------|--|--------------|--|-----------------------------|--|
| Print Date: 6/20/2017 Name: Appendix B Senior Revisions: Vert. Scale: As Noted Horiz. Scale: 1 inch = 50 feet | 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. | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Project No. PW0521</td> <td style="width: 50%;">Year 2017</td> </tr> <tr> <td colspan="2">Designer: Detailer: A. Mestas</td> </tr> <tr> <td colspan="2">Subset Sheet</td> </tr> <tr> <td colspan="2">Sheet Number: 1 OF 2</td> </tr> </table> | Project No. PW0521 | Year 2017 | Designer: Detailer: A. Mestas | | Subset Sheet | | Sheet Number: 1 OF 2 | |
| Project No. PW0521 | Year 2017 | | | | | | | | | |
| Designer: Detailer: A. Mestas | | | | | | | | | | |
| Subset Sheet | | | | | | | | | | |
| Sheet Number: 1 OF 2 | | | | | | | | | | |

PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX B. DESIGNATED NO SMOKING AREAS



Path: I:\Projects\PW0521_Corner_Services\052100_2017\Smoking_Areas\Design\Traffic\Appendix B Memorial.mxd

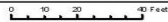
Print Date: 6/20/2017

Name: Appendix B Memorial

Revisions:

Vert. Scale: As Noted

Horiz. Scale: 1 inch = 40 feet



**MEMORIAL BUILDING DESIGNATED
NO SMOKING AREA**



CITY of LONGMONT

385 Kimbark Street
 Longmont, Co. 80501
 Phone: 303-851-8304 FAX: 303-851-8352

PUBLIC WORKS & NATURAL RESOURCES DEPT.

Project No. PW0521 Year 2017

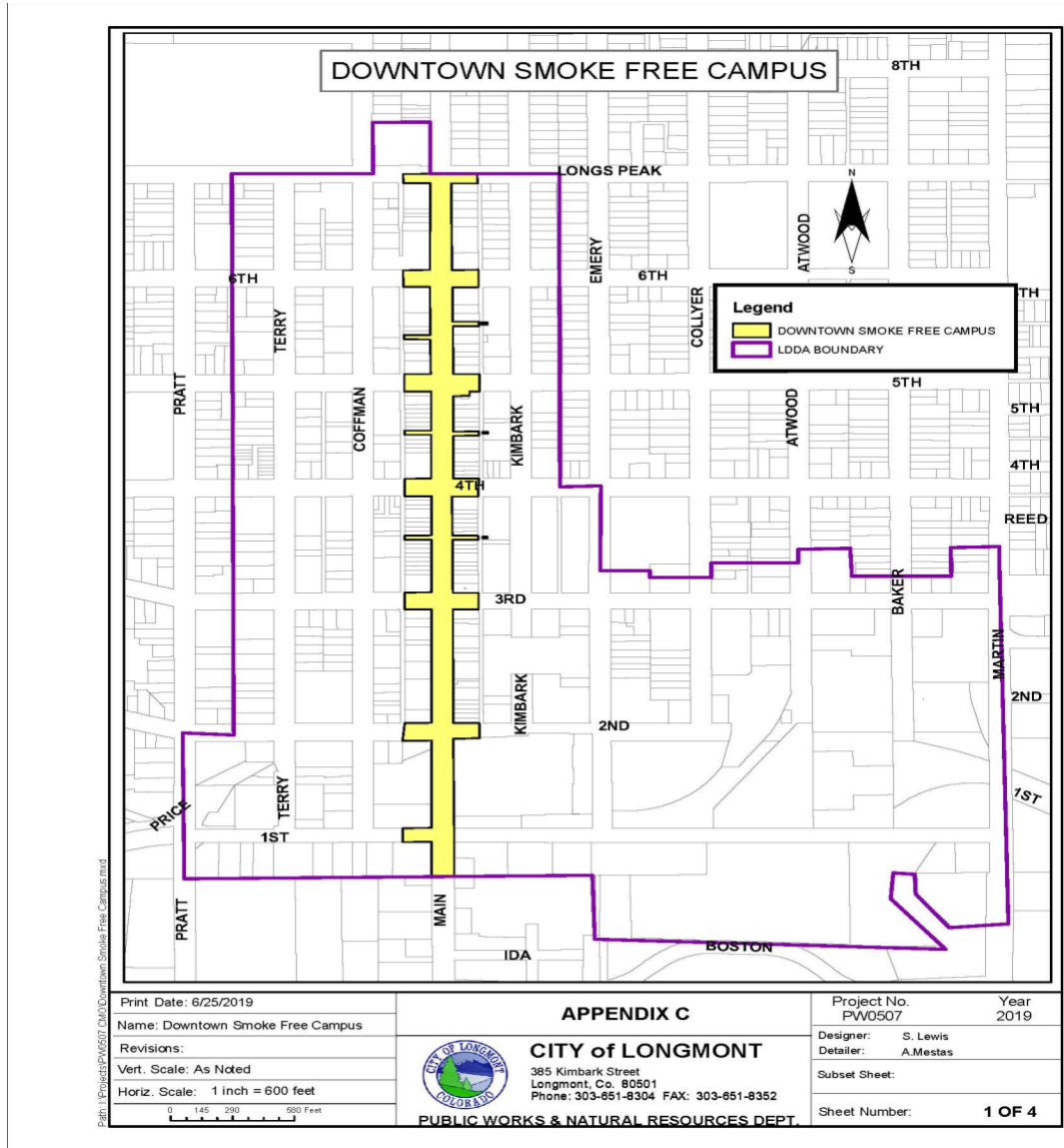
Designer:
 Detailer: A. Mestas

Subset Sheet

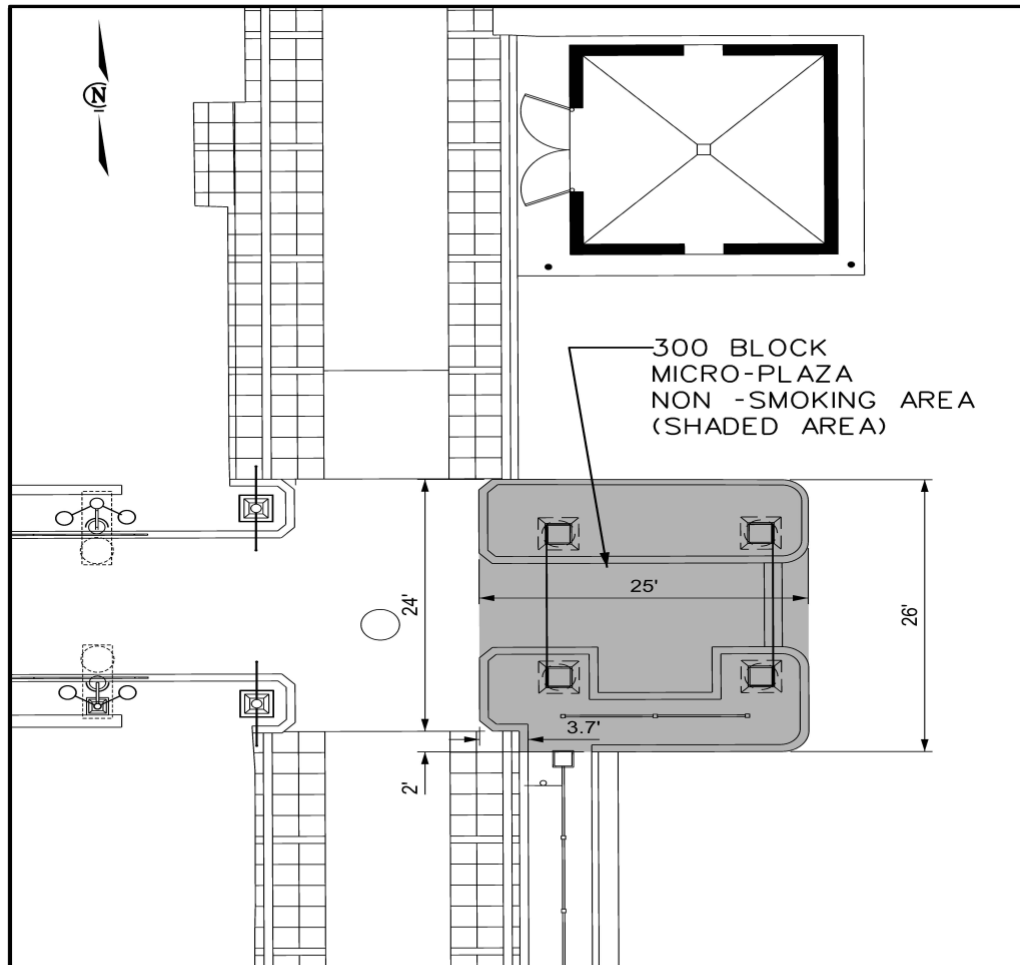
Sheet Number: **2 OF 2**

PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX C. DESIGNATED NO SMOKING AREAS

APPENDIX C. DESIGNATED NO SMOKING AREAS

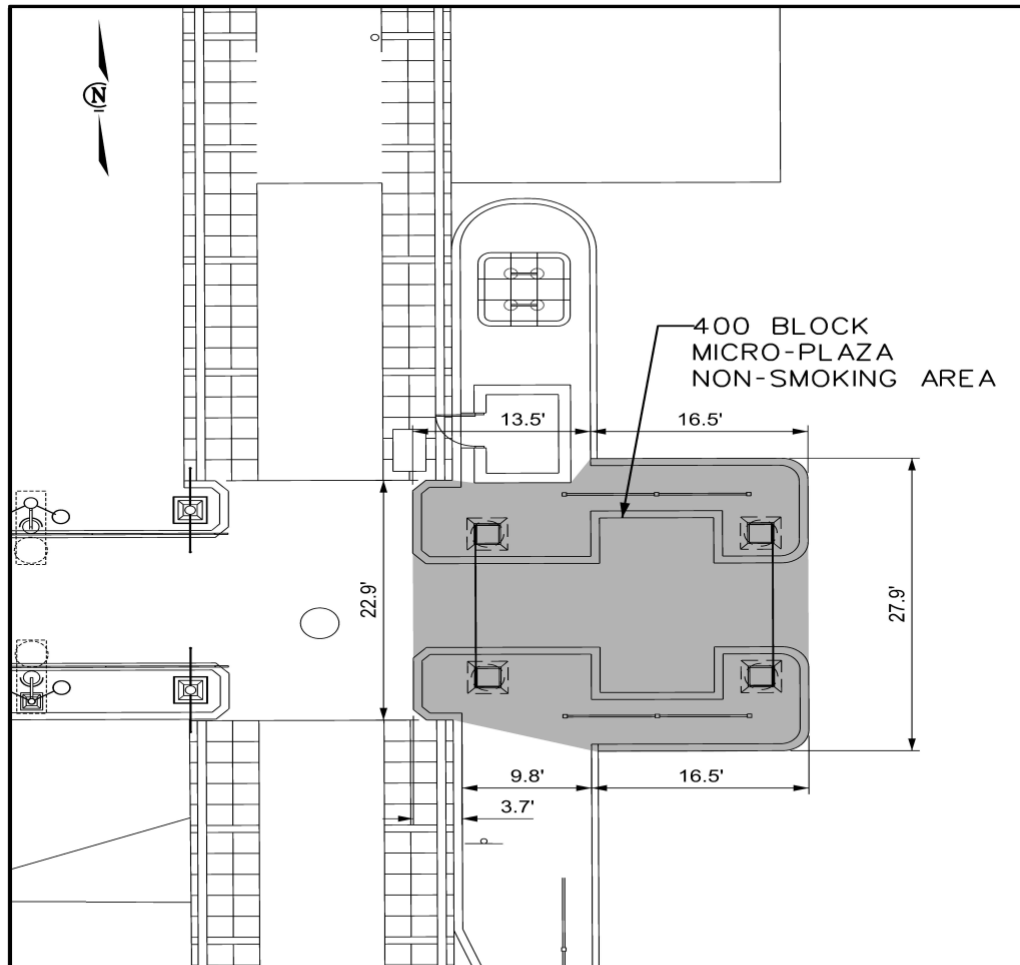


PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX C. DESIGNATED NO SMOKING AREAS



| | | | |
|---------------------|---|---|----------------------------|
| PLOT_INFO | 300 BLK. MICRO-PLAZA | | Project No./Year |
| | Print Date: \$DATE\$ | CITY of LONGMONT <small>385 Kimbark Street Longmont, CO 80501 Phone: 303-651-8304 FAX: 303-651-8352</small> | PW0507 |
| | File Name: \$FILES\$ | | 2019 |
| | Horiz. Scale: \$SCALESHORT\$ | | Sheet Number 2 of 4 |
| | Vert. Scale: As Noted | | |
| Designer: | PUBLIC WORKS & NATURAL RESOURCES DEPT. | | |
| Detailer: A. Mestas | | | |

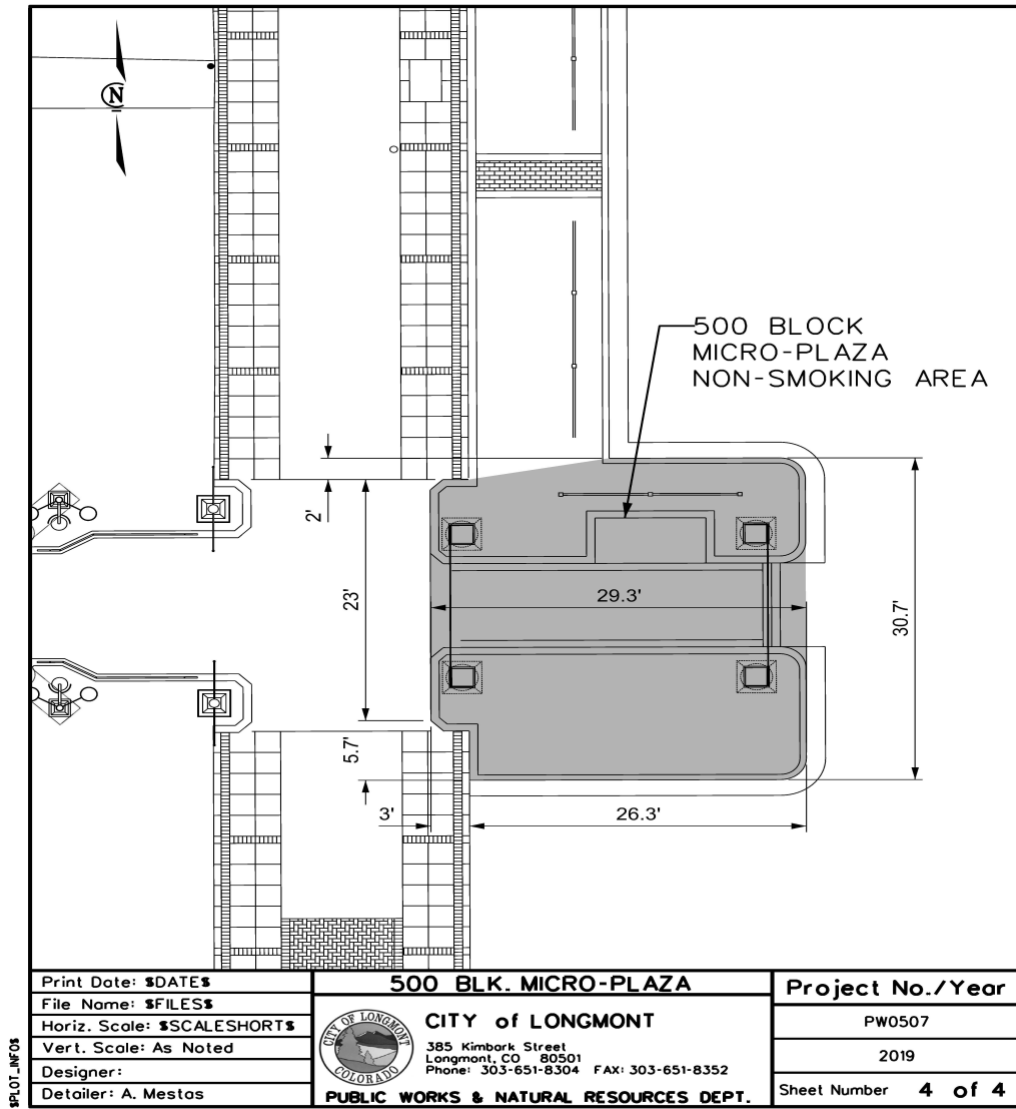
PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX C. DESIGNATED NO SMOKING AREAS



| | | |
|---|--|---|
| Print Date: \$DATE\$ File Name: \$FILES\$ Horiz. Scale: \$SCALESHORT\$ Vert. Scale: As Noted Designer: Detailer: A. Mestas | 400 BLK. MICRO-PLAZA CITY of LONGMONT 385 Kimbark Street Longmont, CO 80501 Phone: 303-651-8304 FAX: 303-651-8352 PUBLIC WORKS & NATURAL RESOURCES DEPT. | Project No./Year PW0507 2019 Sheet Number 3 of 4 |
|---|--|---|

PLOT_INFO

PART II - CODE OF ORDINANCES
 Title 9 - HEALTH AND SAFETY
 CHAPTER 9.40. - REGULATION OF SMOKING
 APPENDIX C. DESIGNATED NO SMOKING AREAS



(Ord. No. O-2019-36 , § 4, 6-25-2019)