

## Louisville 2014

### Chapter 8.52 - SMOKING PROHIBITED

#### FOOTNOTE(S):

--- (1) ---

**Cross reference**— Smoking in public places prohibited, ch. 8.56; Uniform Fire Code, ch. 15.12.

#### Sec. 8.52.010. - Smoking prohibited in public meetings.

No person shall smoke, as defined in this chapter, in any room during which time a public meeting, hearing or session of the city municipal court is being conducted, including recesses of such meeting, hearing or municipal court session. This prohibition shall cover any public meeting or hearing conducted by any duly constituted body, commission, board or agency of the city. During any such public meeting, hearing or municipal court session, the city shall cause a sign to be posted within any such room in which such meeting or hearing is being conducted which states smoking is not allowed.

(Code 1977, § 8.52.010; Ord. No. 819-1984, § 1)

#### Sec. 8.52.020. - Definition.

For the purposes of this chapter, the following definitions shall apply:

Electronic smoking device means an electronic or battery-operated device that provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking. The term shall include every variation of such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-cigarillo, e-pipe or under any other product name or descriptor.

Smoke or smoking means the burning, carrying or possession of any lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or the using [of] an electronic smoking device.

Tobacco means 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 sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or product that is packaged for smoking.

(Code 1977, § 8.52.020; Ord. No. 819-1984, § 1; Ord. No. 1669-2014, § 5, 9-16-2014)

#### Sec. 8.52.030. - Penalty.

Any person who violates the terms of this chapter shall be guilty of a violation hereof and shall be subject to the penalty as provided in section 1.28.010 of this Code.

(Code 1977, § 8.52.030; Ord. No. 819-1984, § 1)

### Chapter 8.56 - SMOKING IN PUBLIC PLACES PROHIBITED

#### FOOTNOTE(S):

--- (1) ---

**Editor's note**—Ord. No. 1396, Series 2002, § 1, adopted Aug. 20, 2002, repealed former ch. 8.56 in its entirety and enacted new provisions as ch. 8.56 as herein set out. Former ch. 8.56, §§ 8.56.010—8.56.080, pertained to similar subject matter and derived from the 1977 Code, §§ 8.56.010—8.56.080; and Ord. No. 917, §§ 2—8.

**Cross reference**— Smoking prohibited in public meetings, ch. 8.52; Uniform Fire Code, ch. 15.12.

**State Law reference**— Smoking regulations, C.R.S. § 25-14-105.

Sec. 8.56.010. - Intent.

In order to protect the public health, safety, comfort and general welfare, and because smoking is a positive danger to health and because, it is the declared purpose of this chapter to prohibit smoking, including using electronic smoking devices, in areas which are used by or open to the public unless such areas are permissible smoking areas pursuant to this chapter.

(Ord. No. 1396-2002, § 1, 8-20-2002; Ord. No. 1669-2014, § 1, 9-16-2014)

Sec. 8.56.020. - Definitions.

For the purposes of this chapter the following terms, phrases, words, and their derivatives shall have the meanings given in this section, except where the context clearly requires a different meaning:

Common area means a lobby, hallway, elevator, restroom, or other enclosed, indoor area where the public is likely to gather in close proximity.

Electronic smoking device means an electronic or battery-operated device that provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking. The term shall include every variation of such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-cigarillo, e-pipe or under any other product name or descriptor.

Entryway means the outside of the front or main doorway leading into a public place, the outside of any other doorway leading into such public place that is accessible to the public, and the area of public or private property within 15 feet outside the doorway.

Public place means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, retail food production or marketing establishments, restaurants, taverns, banks, commercial establishments, theatres, waiting rooms, reception areas, meeting rooms, educational facilities, library, recreational facility, health care facilities, facilities providing live music or sporting events, and public transportation facilities. A private residence is not a "public place."

Restaurant means an establishment licensed as a hotel/restaurant under the liquor laws of the State of Colorado, or an establishment whose principal business is the retail sale of prepared food and beverages and has seating for on-premises consumption of food.

Retail electronic smoking device store means a retail store devoted primarily to the sale of electronic smoking devices, and in which the sale of other products is merely incidental. The sale of such other products shall be considered incidental if such sales generate less than 50 percent of the total annual gross sales.

Smoke or smoking means the burning, carrying or possession of any lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or the using [of] an electronic smoking device.

Tavern means an establishment licensed as a tavern under the liquor laws of the State of Colorado.

Tobacco means 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 sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or product that is packaged for smoking.

(Ord. No. 1396-2002, § 1, 8-20-2002; Ord. No. 1669-2014, § 2, 9-16-2014)

Sec. 8.56.030. - Prohibitions.

- A. No person shall smoke or carry any lighted smoking instrument in a public place, entryway, common area, or place where smoking is prohibited by this chapter or the fire marshal.
- B. No person shall smoke or carry any lighted smoking instrument within the exterior walls, fences or otherwise defined limits of an outdoor eating area of a restaurant or tavern.

- C. No person shall smoke or carry any lighted smoking instrument (i) within 15 feet of an open window or air intake of a public place, common area or building where smoking is prohibited by this chapter or the fire marshal; or (ii) within 15 feet of the exterior walls, fences or otherwise defined limits of an outdoor eating area of a restaurant or tavern.
- D. The foregoing prohibition shall not apply to the use of an electronic smoking device by a patron or employee of a retail electronic smoking device store, if such person is 18 years of age or older and the electronic smoking device is used within the enclosed area of a retail electronic smoking device store.

(Ord. No. 1396-2002, § 1, 8-20-2002; Ord. No. 1669-2014, § 3, 9-16-2014)

Sec. 8.56.040. - Signs.

To advise persons that smoking is prohibited in all public places, common areas and outdoor eating areas, signs with letters no less than one inch high or symbols no less than three inches high shall be posted as follows:

- A. The owner, lessee, or principal manager of a public place, common area, or outdoor eating area where smoking is prohibited shall post a sign using the words "No Smoking" or the international no-smoking symbol conspicuously either on all public entrances or in a position clearly visible on entry into the public place.
- B. No-smoking signs shall be specifically placed in retail food production and marketing establishments, including grocery stores and supermarkets, so that they are clearly visible to persons upon entering the store, clearly visible to persons in checkout lines, and clearly visible to persons at meat and produce counters.

(Ord. No. 1396-2002, § 1, 8-20-2002)

Sec. 8.56.050. - Responsibilities of proprietors.

- A. No owner, lessee, principal manager, or person in charge of a public place, entryway, common area, or outdoor eating area shall, with respect to such place or area, fail to:
  - 1. Post appropriate signs, as required by section 8.56.040;
  - 2. Ask persons to refrain from smoking in any no-smoking area;
  - 3. Report to the city police department any situation where a person has refused to comply with a request made under the preceding subsection B to refrain from smoking in a non-smoking area.

Failure to follow the provisions of this section constitutes a violation of this chapter and can result in criminal prosecution according to the provision of section 8.56.060.

(Ord. No. 1396-2002, § 1, 8-20-2002; Ord. No. 1669-2014, § 4, 9-16-2014)

Sec. 8.56.060. - Enforcement.

- A. The city manager or the city manager's designee shall be responsible for ensuring compliance with this chapter with regard to facilities which are owned, operated, or leased by the city.
- B. Any person convicted of violating any provision of this chapter shall, upon conviction, be punished by a fine of not more than \$300.00, for each separate offense, and may be enjoined from any further or continued violation thereof. In determining the sentence to be imposed, the judge shall consider the frequency and duration of the violation, the size of the establishment, whether it was knowing or not, and other relevant factors. Imprisonment shall not be imposed as a penalty for any violation of this chapter. Each day any violation of this chapter shall continue shall constitute a separate offense.

(Ord. No. 1396-2002, § 1, 8-20-2002)