

ORDINANCE NO. 1011

AN ORDINANCE AMENDING THE GOLDEN REVISED ORDINANCES OF 1965 RELATING TO SMOKING IN PUBLIC PLACES, WORK AREAS, AND OTHER AREAS, AND PROVIDING A PENALTY FOR VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The Golden Revised Ordinances of 1965 is hereby amended by the enactment of Chapter 5.28 as follows:

CHAPTER 5.28

SMOKING IN PUBLIC PLACES, WORK AREAS AND OTHER AREAS

Sections:

- 5.28.010 Short title.
- 5.28.020 Legislative intent.
- 5.28.030 Definitions.
- 5.28.040 Smoking prohibited.
- 5.28.050 Smoking permitted in certain places.
- 5.28.060 Designated smoking areas.
- 5.28.070 Posting of signs.
- 5.28.080 Penalty

5.28.010 Short title. This chapter shall be known and may be cited as the "Golden No Smoking Ordinance."

5.28.020 Legislative intent. The city council finds, determines, and declares that the smoking of tobacco or of any other plant or weed in certain areas is a form of air pollution that threatens the health, safety, and welfare of the public. The city council deems it necessary to prohibit smoking in common areas, public places, and work places, except as smoking is otherwise permitted in designated smoking-permitted areas by this chapter. The provisions of this chapter shall not apply to a dwelling as defined in Section 18.04.070 of this code.

5.28.030 Definitions. As used in this chapter, the following words are defined as follows:

(a) "Common area" means any lobby, mall, or hallway open or accessible to members of the public who enter such common area as invitees.

(b) "Employee" means any person who is paid a wage or salary by an employer and who works in the enclosed premises of an employer.

(c) "Employer" means any person as defined in Section 1.01.040(5) of this code.

(d) "Enclosed premises" means a building or structure comprised of a roof, four walls, and a means of ingress and egress.

(e) "Public place(s)" means any enclosed, indoor facility or area that is open to members of the public who enter such facility as invitees, including but not limited to mercantile establishments, restaurants, theaters, financial institutions, educational facilities, hospitals, health care facilities and institutions, libraries, auditoriums, arenas, assembly or meeting rooms, public conveyances, governmental buildings, office buildings, restrooms, elevators, child care centers, and waiting rooms of professional persons.

(f) "Work area" means any enclosed premises occupied principally by employees.

(g) "Smoke" or "smoking" means the possession of a lighted cigarette, cigar, or pipe containing tobacco or other organic burning matter, regardless of its composition, or the lighting of such cigarette, cigar, or pipe by any person.

5.28.040 Smoking prohibited. It shall be unlawful for any person to smoke in any common area, public place, or work area, except as otherwise expressly permitted by this chapter.

5.28.050 Smoking permitted in certain places. Smoking is permitted in the following places:

(a) Designated smoking-permitted areas.

(b) The licensed premises of any establishment issued a license to sell fermented malt beverages for consumption on the premises, as provided in the Colorado Beer Code, subject to the provisions of this chapter relating to restaurants.

(c) The licensed premises of any establishment issued a hotel and restaurant license, beer or wine license, tavern license, or club license as provided in the Colorado Liquor Code, subject to the provisions of this chapter relating to restaurants.

(d) Retail stores primarily engaged in the sale of tobacco or tobacco accessories.

(e) Restaurants with a seating capacity of 30 or fewer patrons.

(f) Enclosed premises occupied exclusively by smokers.

(g) Meetings or assemblies not open to members of the public; provided, however, that no such meeting or assembly is conducted in a public place.

5.28.060 Designated smoking areas. A section of the following common areas, public places, and work areas may be designated as smoking-permitted areas by the owner, lessee, principal manager, person in charge, or employer:

(a) No more than 25% of the total common area may be designated as a smoking-permitted area.

(b) Restaurants with a seating capacity of more than 30 patrons, provided, however, that the owner, lessee, principal manager, or person in charge shall provide a no smoking area of sufficient size to accommodate patrons who requested to be seated in such an area. All such patrons must be advised that no smoking areas are available.

(c) Work areas, provided, however, that not more than 25% of the employer's total floor area may be designated as a smoking-permitted area.

5.28.070 Posting of signs. To advise persons and employees of the existence of no smoking or smoking-permitted areas, signs with letters no less than one inch high or symbols of no less than three inches high shall be posted as follows:

(a) No owner, lessee, principal manager, or person in charge of a common area, public place, or work area where smoking is prohibited in an entire establishment shall fail to 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 upon entry into the public place.

(b) No owner, lessee, principal manager, or person in charge of a public place where certain areas are designated as smoking areas pursuant to this article shall fail to post a sign using the words "no smoking except in designated areas" conspicuously either on all public entrances or in a position clearly visible on entry into the public place.

(c) No owner, lessee, principal manager, or person in charge of a public place where smoking is permitted in the entire establishment shall fail to post a sign using the words "smoking permitted" or the international smoking symbol conspicuously either on all public entrances or in a position clearly visible on entry into the public place.

(d) No employer in charge of work areas where smoking is permitted shall fail to post a sign using the words "no smoking except in designated areas" in a conspicuous place within the work area.

(e) No employer in charge of work areas where smoking is prohibited in an entire work area shall fail to post a sign using the words "no smoking" or the international no-smoking symbol in a conspicuous place within the work area.

5.28.080 Penalty. The penalty for violation of any provision of this chapter shall be a fine of not less than twenty-five dollars and no more than three hundred dollars. Each day of a continuing violation shall be deemed to be a separate violation.

Section 2. Any ordinances or portions of ordinances in violation herewith are hereby repealed.

Introduced, read and ordered published this 12th day of June, 1986.

Adopted, approved and ordered published this 14th day of August, 1986.

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James T. Brown, Jr.  
Mayor

ATTEST:

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Sharon L. Bennetts  
City Clerk

Approved as to form:

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Russell J. Sindt  
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was first introduced, read, and approved at a regular meeting of the City Council of said city held on June 12, 1986 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage; public hearing was scheduled for June 26, 1986. The said proposed ordinance was introduced and read a second time and a public hearing was held. On August 14, 1986 said ordinance was passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 15th day of August, 1986.

(SEAL)

Attest: \_\_\_\_\_  
City Clerk of the City of Golden,  
Colorado