

1 CITY OF LITTLETON, COLORADO

2  
3 ORDINANCE NO. 84

4  
5 Series, 2015

6  
7 INTRODUCED BY COUNCILMEMBERS: STAHLMAN & BECKMAN

8  
9 AN ORDINANCE OF THE CITY OF LITTLETON,  
10 COLORADO, AMENDING CHAPTER 10 OF TITLE 6 OF  
11 THE CITY CODE PERTAINING TO ELECTRONIC  
12 SMOKING DEVICES AND SMOKING PROHIBITIONS IN  
13 THE DOWNTOWN AREA  
14

15  
16 WHEREAS, the city council finds that additional smoking regulations  
17 concerning the use of electronic smoking devices and expanding the public areas where smoking  
18 is prohibited protects the public health safety and welfare of the citizens of Littleton;

19  
20 WHEREAS, the city council finds that electronic smoking devices are battery  
21 operated devices designed to deliver nicotine, flavor and other substances through a vapor  
22 inhaled by the user and that such devices are similar to conventional cigarettes with the user  
23 exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes;

24  
25 WHEREAS, the city council finds that the use of electronic smoking devices in  
26 smoke-free locations undermines the city's no-smoking regulations;

27  
28 WHEREAS, the city council finds that the definition of tobacco should be  
29 expanded to include kinds and forms of tobacco prepared in such a manner to be suitable for  
30 smoking in electronic smoking devices;

31  
32 WHEREAS, the city council finds that it is in the best interest of the city of  
33 Littleton to protect non-smokers from involuntary exposure to smoke from such devices;

34  
35 WHEREAS, the city council finds that it is in the best interest of the citizens of  
36 Littleton to protect non-smokers from involuntary exposure to tobacco smoke in the outdoor  
37 areas of Littleton's downtown;

38  
39 WHEREAS, the city council finds that providing smoke-free areas in downtown  
40 will promote tourism and visitors to downtown retail and dining establishments; and

41  
42 WHEREAS, the city council finds that the purpose of these regulations promote  
43 the public health, safety, and welfare of the citizens of Littleton;

44  
45 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
46 THE CITY OF LITTLETON, COLORADO, THAT:  
47

1                   **Section 1:** Section 1 of chapter 10 of title 6 of the city code is hereby amended as  
2 follows:

3  
4 6-10-1: DEFINITIONS

5  
6 As used in this chapter, unless the context otherwise requires:

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

15  
16                   **Section 2:** Section 2 of chapter 10 of title 6 of the city code is hereby amended as  
17 follows:

18  
19 6-10-2: GENERAL SMOKING RESTRICTIONS:

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21 Except as provided in section 6-10-3 of this chapter, and in order to reduce the levels of exports  
22 to environmental tobacco and marijuana smoke, smoking shall not be permitted and no person  
23 shall smoke:

24  
25                   1. IN ANY OUTDOOR PUBLIC AREA LOCATED IN THE AREA  
26 BOUNDED BY THE CENTERLINES OF S. RIO GRANDE AND BEGA STREETS ON THE  
27 EAST; S. SANTA FE DRIVE ON THE WEST; W. ALAMO AVENUE ON THE SOUTH;  
28 AND W. POWERS AVENUE ON THE NORTH, EXCLUDING ROOFTOP AND BACK  
29 PATIOS, ALLEYS AND PRIVATELY-OWNED PARKING LOTS WITHIN SUCH AREA.  
30 FOR PURPOSES OF THIS SUBSECTION, THE BOUNDARY OF W. POWERS AVENUE  
31 SHALL BE TREATED AS IF IT EXTENDED TO S. SANTA FE DRIVE; AND

32  
33                   2. In any indoor area, including, but not limited to:

34                                   (A) Public meeting places;

35                                   (B) Elevators;

36                                   (C) Government owned or operated means of mass transportation,  
37 including, but not limited to, buses, vans, and trains;

38                                   (D) Taxicabs and limousines;

39                                   (E) Grocery stores;

40                                   (F) Gymnasiums;

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- 1 (G) Jury waiting and deliberation rooms;  
2  
3 (H) Courtrooms;  
4  
5 (I) Child daycare facilities;  
6  
7 (J) Healthcare facilities including hospitals, healthcare clinics, doctor's  
8 offices, and other healthcare related facilities;  
9  
10 (K) Any place of employment that is not exempted. In the case of  
11 employers who own facilities otherwise exempted from this chapter, each  
12 such employer shall provide a smoke free work area for each employee  
13 requesting not to have to breathe environmental tobacco smoke. Every  
14 employee shall have a right to work in an area free of environmental  
15 tobacco smoke;  
16  
17 (L) Food service establishments;  
18  
19 (M) Bars;  
20  
21 (N) Limited gaming facilities and any other facilities in which any gaming  
22 or gambling activity is conducted;  
23  
24 (O) Indoor sports arenas;  
25  
26 (P) Restrooms, lobbies, hallways, and other common areas in public and  
27 private buildings, condominiums, and other multiple-unit residential  
28 facilities;  
29  
30 (Q) Restrooms, lobbies, hallways, and other common areas in hotels and  
31 motels, and in at least seventy five percent (75%) of the sleeping quarters  
32 within a hotel or motel that are rented to guests;  
33  
34 (R) Bowling alleys;  
35  
36 (S) Billiard or pool halls;  
37  
38 (T) Facilities in which games of chance are conducted;  
39  
40 (U) The common areas of retirement facilities, publicly owned housing  
41 facilities, and, nursing homes, but not including any resident's private  
42 residential quarters or areas of assisted living facilities;  
43  
44 (V) Public buildings;  
45  
46 (W) Auditoria;  
47

- 1 (X) Theaters;  
2  
3 (Y) Museums;  
4  
5 (Z) Libraries;  
6  
7 (AA) Public and nonpublic schools;  
8  
9 (BB) Other educational and vocational institutions; and  
10  
11 (CC) The entryways of all buildings and facilities listed in subsections (A)  
12 to (BB) of this section.  
13

14 **Section 3:** Section 3 of Chapter 10 of Title 6 of the city code is hereby revised  
15 as follows:

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17 6-10-3: EXCEPTIONS TO SMOKING RESTRICTIONS:

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19 This chapter shall not apply to:

20  
21 (A) Private homes, private residences, and private automobiles; except that this  
22 chapter shall apply if any such home, residence, or vehicle is being used for childcare or daycare  
23 or if a private vehicle is being used for the public transportation of children or as part of  
24 healthcare or daycare transportation;

25  
26 (B) Limousines under private hire;

27  
28 (C) A hotel or motel room rented to one or more guests if the total percentage of  
29 such hotel or motel rooms in such hotel or motel does not exceed twenty five percent (25%);

30  
31 (D) Any retail tobacco business;

32  
33 (E) The PRIVATELY-OWNED outdoor area of any business, EXCEPT THAT  
34 THE ENTRYWAYS OF BUSINESSES LOCATED IN A BUILDING OR FACILITY LISTED  
35 IN SECTION 6-10-2(2) AND THE OUTDOOR AREAS REFERENCED IN SECTION 6-10-  
36 2(1) SHALL BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER;

37  
38 (F) A place of employment that is not open to the public and that is under the  
39 control of an employer that employs three (3) or fewer employees;

40  
41 (G) A private, nonresidential building on a farm or ranch, as defined in section  
42 39-1-102, Colorado Revised Statutes, that has annual gross income of less than five hundred  
43 thousand dollars (\$500,000.00); or

44  
45 (H) The areas of assisted living facilities that are designated for smoking for  
46 residents, are fully enclosed and ventilated and to which access is restricted to the residents or  
47 their guests. As used in this subsection (H), "assisted living facility" means a nursing facility, as

1 that term is defined in section 25.5-4-103, Colorado Revised Statutes, and an assisted living  
2 residence, as that term is defined in section 25-27-102. (Ord. 2, Series of 2014)  
3  
4

5 **Section 4. Severability.** If any part, section, subsection, sentence, clause or  
6 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the  
7 validity of the remaining sections of this ordinance. The City Council hereby declares that it  
8 would have passed this ordinance, including each part, section, subsection, sentence, clause or  
9 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,  
10 clauses or phrases may be declared invalid.

11  
12 **Section 5: Repealer.** All ordinances or resolutions, or parts thereof, in  
13 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the  
14 repealer clauses of such ordinance nor revive any ordinance thereby.

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16 **Section 6: Effective Date.** The amendments enacted by this ordinance shall  
17 be effective from and after **January 1, 2016**, to allow for the development and implementation of  
18 a public awareness campaign.  
19  
20

21 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
22 of the City of Littleton on the 18<sup>th</sup> day of August, 2015, passed on first reading by a vote of 7  
23 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
24 Municipal Courthouse and on the City of Littleton Website.

25 PUBLIC HEARING on the Ordinance to take place on the 1<sup>st</sup> day of September,  
26 2015, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,  
27 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

28 PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR  
29 and \_\_\_\_\_ AGAINST on the 1<sup>st</sup> day of September, 2015 and ordered published by posting at  
30 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.  
31

32 ATTEST:

33 \_\_\_\_\_  
34 Wendy Heffner  
35 CITY CLERK

\_\_\_\_\_  
Phil Cernanec  
PRESIDENT OF CITY COUNCIL

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APPROVED AS TO FORM:

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Kristin Schledorn  
CITY ATTORNEY