

SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S RESOLUTION

NO. CB-1935  
Series of 2019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN,  
COLORADO, THAT:

A PUBLIC HEARING WILL BE HELD ON CB-1935, SERIES OF 2019, ENTITLED "A BILL FOR AN ORDINANCE AMENDING SECTIONS 9-14-3 AND 9-14-4 OF THE NORTHGLENN MUNICIPAL CODE PROHIBITING SMOKING AND THE USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC PARKS AND RECREATIONAL AREAS" ON SEPTEMBER 23, 2019 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 9<sup>th</sup> day of September, 2019.

  
ANTONIO B. ESQUIBEL  
Mayor

ATTEST:

  
JOHANNA SMALL, CMC  
City Clerk

AFFIDAVIT OF POSTING:

I, Johanna Small, certify that CB-1935 was posted at the authorized posting places in the City of Northglenn this 11<sup>th</sup> day of September, 2019.

  
City Clerk's Office

SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1935  
Series of 2019

\_\_\_\_\_  
Series of 2019

A BILL FOR AN ORDINANCE AMENDING SECTIONS 9-14-3 AND 9-14-4 OF THE NORTHGLENN MUNICIPAL CODE PROHIBITING SMOKING AND THE USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC PARKS AND RECREATIONAL AREAS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-14-3 of the Northglenn Municipal Code is hereby repealed and reenacted as follows:

Section 9-14-3. Definitions. As used in this Article, the following terms shall have the meanings indicated herein:

(1) "Auditorium" means the part of a public building where an audience gathers to attend a performance and includes any corridors, hallways, or lobbies adjacent thereto.

(2) "Bar" means any indoor area that is operated and licensed under Article 47 of Title 12, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

(3) "Cigar-tobacco bar" means a bar that generated at least five percent (5%) or more of its total annual gross income or fifty thousand dollars (\$50,000) in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines.

(4) "Employee"

(a) "Employee" means any person who:

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

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

(b) "Employee" includes every person described in paragraph (a) of this subsection (4), regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

(5) "Employer" means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons. "Employer" includes, without limitation, the legislative, executive, and judicial branches of state government; any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency; or any other separate corporate instrumentality or unit of state or local government.

(6) "Entryway" means the outside of the front or main doorway leading into a building or facility that is not exempted under Section 9-14-5. "Entryway" also includes the area of public or private property within a ~~fifteen (15)~~ TWENTY-FIVE (25) -foot radius outside of the doorway.

(7) "ELECTRONIC SMOKING DEVICES" MEANS ANY PORTABLE ELECTRONICALLY ACTIVATED DEVICE, WHICH IN OPERATION CAUSES THE USER TO EXHALE ANY SMOKE, VAPOR, OR OTHER SUBSTANCE RESULTING IN CHEMICALLY ALTERED HUMAN EXHALATION. "ELECTRONIC SMOKING DEVICE" INCLUDES ANY DEVICE MANUFACTURED, DISTRIBUTED, MARKETED, OR SOLD AS AN ELECTRONIC CIGARETTE, AN ELECTRIC CIGAR, AN ELECTRONIC CIGARILLO, ELECTRONIC PIPE, AND ELECTRONIC HOOKAH, OR UNDER ANY SIMILAR PRODUCT NAME OR DESCRIPTOR. "ELECTRONIC SMOKING DEVICE" DOES NOT INCLUDE ANY ASTHMA INHALER OR OTHER DEVICE THAT HAS BEEN SPECIFICALLY APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

~~(7)~~(8) "Environmental tobacco smoke," "ETS," or "secondhand smoke" means the complex mixture formed from the escaping smoke of a burning tobacco product, also known as "sidestream smoke," and smoke exhaled by the smoker.

~~(8)~~(9) "Food service establishment" means any indoor area or portion thereof in which the principal business is the sale of food for on-premises consumption. The term includes, without limitation, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short-order cafes.

~~(9)~~(10) "Indoor area" means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

~~(10)~~(11) "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.

~~(11)~~(12) "Proprietor" means the owner, operator or person in charge of any place regulated by this article.

~~(12)~~(13) "Public building" means any building owned or operated by:

- (a) The state, including the legislative, executive, and judicial branches of state government;
- (b) The City of Northglenn or an instrumentality thereof; or
- (c) Any other separate corporate instrumentality or unit of state or local government.

~~(13)~~(14) "Public meeting" means any meeting open to the public pursuant to Section 24-6-401, C.R.S., or any other law of this state.

(15) "PUBLIC PARK PROPERTY" MEANS ANY REAL OUTDOOR PROPERTY OWNED OR CONTROLLED BY THE CITY OF NORTHGLENN, INCLUDING, WITHOUT LIMITATION, PARKS, TRAILS, OPEN SPACES, PLAYGROUNDS, AND OUTDOOR RECREATION FACILITIES, BUT EXCLUDING PUBLIC BUILDINGS, STREETS, SIDEWALKS, AND ALLEYS.

~~(14)~~(16) "Smoke-free work area" means an indoor area in a place of employment where smoking is prohibited.

~~(15)~~(17) "Smoking" means the burning of a lighted cigarette, cigar, pipe, ELECTRONIC SMOKING DEVICE, or any other matter or substance that contains tobacco or marijuana as defined by Section 9-9-2 of the Northglenn Municipal Code.

~~(16)~~(18) "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.

~~(17)~~(19) "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

~~(18)~~(20) "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.

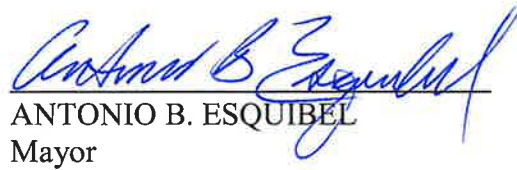
Section 2. Section 9-14-4 of the Northglenn Municipal Code is hereby amended with a new subsection (3).

Section 9-14-4. General Smoking Restrictions.

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(3) IN ORDER TO REDUCE THE LEVELS OF EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE, SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE ON PUBLIC PARK PROPERTY.

INTRODUCED, READ AND ORDERED POSTED this 9<sup>th</sup> day of September, 2019.

  
ANTONIO B. ESQUIBEL  
Mayor

ATTEST:

  
\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
ANTONIO B. ESQUIBEL  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney