

ORDINANCE NO. 2345

INTRODUCED BY: Cushing

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF ARTICLE 8-44 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO SMOKING

WHEREAS, with its passage of House Bills 19-1076 and 20-1001, the Colorado Legislature has adopted changes to the Colorado Clean Indoor Act; and

WHEREAS, the Brighton City Council finds and determines that it is in the interest of the residents and visitors of the City to amend the Brighton Municipal Code to reflect similar changes;

WHEREAS, the Brighton City Council also desires to permit smoking within Tobacco Stores, provided it is done so in a way that is compliant with Colorado law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The definition of Public Outdoor Places in Section 8-44-20 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 8-44-20. – Definitions

Public outdoor places means any outdoor facility or area that is open to members of the public who enter such area or place, including but not limited to **all parks and playgrounds and similar places where families and children congregate for recreation**, sports fields, sports venues, restrooms, outdoor seating areas for participants and/or observers, recreational facilities and the designated area surrounding such places and areas.

Section 2. Section 8-44-30 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 8-44-30. - Smoking prohibited within buildings, exemptions.

- (1) In any private dwelling as defined herein, except when used as a child care, adult day care or health care facility. If a hospital, hospice, retirement facility, nursing home or publicly owned housing facility permits smoking in designated rooms used as a resident's private residential quarters, smoking is not allowed in any room shared with a nonsmoker without that person's consent.
- (2) A place of employment that is not open to the public and that is under the control of an employer that employs three (3) or fewer employees. Employers who own places of employment exempted from the terms of this Article shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.

- (3) Up to twenty-five percent (25%) of guest rooms in lodging establishments, including but not limited to hotels, motels, inns and bed and breakfasts, provided that smoking rooms have been previously designated as such.
- (4) The outdoor area of any business (subject to the smoke-free perimeter provisions of Section 8-44-80 hereof).
- (5) A private, nonresidential building on a farm or ranch, as defined in Section 39-1-102, C.R.S., that has annual gross income of less than five hundred thousand dollars (\$500,000.00).
- (6) A ~~tobacco store and/or~~ cigar-tobacco bar which was authorized, open and operating with a City business license on August 1, 2010, and was, at that time, exempt from the smoking ban of this Article. If (i) active and continuous operations are not carried on in an exempt ~~tobacco store or~~ cigar-tobacco bar for a period of sixty (60) days, (ii) the exempt ~~tobacco store or~~ cigar-tobacco bar fails to timely and satisfactorily comply with the requirements for the same as set forth in Section 8-44-20, or (iii) the exempt ~~tobacco store or~~ cigar-tobacco bar fails to timely renew its business license, such use or operation as a ~~tobacco store or~~ cigar-tobacco bar shall not thereafter be continued or reestablished, and the use and operation thereof shall immediately comply with the terms of this Article.
 - a. Intent to resume active operations or to renew the business license of an exempt ~~tobacco store or~~ cigar-tobacco bar shall not affect the foregoing.
 - b. An exempt ~~tobacco store or~~ cigar-tobacco bar shall not be enlarged, extended, expanded, moved or structurally altered.
- (7) **In a tobacco store, as that type of business is defined in section 8-44-20.**

Section 3. Subsection (d) of Section 8-44-90 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 8-44-90. - Signs required to be posted.

- (d) **A tobacco store allowing smoking or** cigar-tobacco bar shall display signage in at least one (1) conspicuous place and at least four (4) inches by six (6) inches in size stating: "Smoking Allowed. ~~Persons~~ **Children** under ~~eighteen (18)~~ **twenty-one (21)** years of age **may not enter** ~~must be accompanied by a parent or guardian.~~"

Section 4. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 6th day of October, 2020.

PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of October, 2020.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney