



City of Green River
City Council Meeting
Agenda Documentation

Preparation Date: 01/16/20	Department: Finance
Meeting Date: 01/21/20	Department Head: Chris Meats
	Presenter: Bobby Pineda

Subject:

Consideration on Third and Final Reading Amendments to the City of Green River Code of Ordinances Chapter 18, Section 18-88 and 18-92.

Background/Alternatives:

The City Prosecutor and the Green River Police Department are recommending the amendment to this ordinance for consistency in definition and to address the growing usage and concerns with vaporizing pens, electronic cigarettes, etc.

Attachments:

Redlined ordinance

Fiscal Impact:

None

Staff Impact:

Staff will prosecute accordingly as statutes allow

Legal Review:

n/a

Suggested Motion to Un-Table: *I move to un-table the consideration on third and final reading amendments to Chapter 18, Section 18-88 and 18-92 of the City of Green River Code of Ordinances.*

Suggested Motion to Consider: *I move to consider on third and final reading amendments to Chapter 18, Section 18-88 and 18-92 of the City of Green River Code of Ordinances.*

Suggested Motion: *I move to approve on third and final reading the amendments to Chapter 18, Section 18-88 and 19-92 of the City of Green River Code of Ordinances.*

Sec. 18-88. - Smoking prohibited.

- (a) Smoking and/or the use of chewing tobacco is prohibited within all city buildings.
- (b) Smoking and/or the use of chewing tobacco is prohibited in all city vehicles.
- (c) Employees of the city shall be permitted to smoke during their lunch hour and breaks but only in those areas designated by the city administrator as an approved smoking area.

~~(d) Smoking is defined to include cigarettes, cigars, and pipes.~~

(Ord. No. 91-31, § 1, 9-3-91; Ord. No. 91-41, § 1, 12-3-91; Ord. No. 95-7, § 1, 9-19-95; Ord. No. 05-12, § 1, 10-18-05)

Sec. 18-92. - Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Business: any legal entity including, but not limited to, sole proprietorship, partnership, joint venture, corporation or other business entity whether formed for profit-making or nonprofit purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

City-owned youth athletic facilities: facilities where sporting activities involving youth occur, including, but is not limited to, youth soccer, baseball, football, wrestling, track, skateboarding, and any other youth activities, whether the facility is enclosed or not.

Electronic Cigarette: a product that employs any mechanical heating element, battery or electronic circuit regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution, plant, wax, solution or other substance contained in a cartridge or other delivery system, including but not limited to, electronic cigarettes, vaping pens, or vaping mods.

Employee: any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, as well as any person who volunteers his or her services for a nonprofit entity.

Employer: a person, business, partnership, association, corporation, trust, nonprofit entity, or a municipal corporation that employs the services of one or more individual persons.

Enclosed area: all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

Fire department: means the Green River Volunteer Fire Department.

Health care facility: an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists with these professions. This definition shall include all waiting rooms, hallways, private rooms, semi-private rooms, and wards with health care facilities.

Outdoor patio: an outdoor area, open to the air at all times, that is either:

1. Enclosed by a roof or other overhead covering and not more than two (2) walls or other side coverings; or
2. Has no roof or other overhead covering at all regardless of the number of walls or other side coverings.

Performance hall: any area or facility that is primarily used for the exhibition of any motion picture, stage, drama, lecture, musical recital or other similar performances including, but not limited to, concert halls and theaters.

Place of employment: an area under the control of an employer which is intended for occupancy by employees during the course of employment including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, waiting areas, offices, stairways, and hallways. A private residence is not a "place of employment" unless it is used as a licensed child care, licensed adult day care, health care or pre-school facility, or any other aforementioned business.

Private club: those organizations or entities defined as a "club" in W.S. 1977, 12-1-101(a)(iii), which are not open to the public.

Public place: an enclosed area to which the public is invited or in which the public is permitted including, but not limited to, banks, and other financial institutions, publicly funded buildings, public conveyances, recreational facilities, taverns, lounges, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, including grocery stores, supermarkets and stores where food items are sold for on-premises or off-premises consumption, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a licensed child care, licensed adult day care, health care or pre-school facility.

Public transportation: includes, but is not limited to, any enclosed mode of public transportation, including a train, passenger bus, school bus or other vehicle used to transport pupils, and taxi; or a vehicle that is owned by, or operated by a business and is open to the public, including tour vehicles, passenger buses or vans regularly used to transport customers. Notwithstanding the foregoing, a private vehicle not open to the public or not used for the transportation of the public during the times of use, including a private passenger vehicle, a private charter or rental of a limousine, bus or van, shall not be considered public transportation.

Restaurant: an eating establishment including, but not limited to, coffee shops, cafeterias, and public and private school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises and served elsewhere. The term "restaurant" shall include any tavern, lounge or bar area within the restaurant.

Retail sales: establishments engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. A retail sales establishment is usually a place of business and is engaged in activity to attract the general public to make purchases.

Shopping mall: an enclosed public walkway or hall area that serves to connect retail sale or professional service establishments.

Smoke or smoking: the inhaling, exhaling, burning or carrying of any lighted or heated tobacco product, weed, plant or other combustible product in a smoking instrument or the placement of smoking instruments containing a lighted or heated tobacco product, weed, plant or other combustible product in an ashtray or other receptacle and allowing smoke to diffuse into the air. ~~This definition does not include incense.~~

Smoking instrument: any cigar, cigarette, pipe, hookah or water pipe, electronic cigarette, or any other smoking or vaping device.

Sports arena: sports pavilions, stadiums, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Tavern, lounge or bar: any establishment open to the public whose primary source of revenue is from the sale of alcoholic liquor and malt beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

Tobacco Product: any product made or derived from tobacco that contains nicotine, including but not limited to, cigarettes, electronic cigarette, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

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Youth: any person who has not attained eighteen (18) years of age.

(Ord. No. 07-07, § 1, 11-29-07)