

CHAPTER 17 – NUISANCES

Sec. 17-74. Smoking; restaurants; bars, exemptions.

(a) No smoking shall be permitted in restaurants and bars, except as expressly provided in this ordinance.

(b) Any restaurant and/or bar having received a temporary or final certificate of occupancy on or after March 1, 2004 regardless of whether it contains an area designated for the serving of alcohol by the drink shall not permit smoking inside the restaurant., except as provided by this section.

1. Smoking may be permitted in outside patio areas covered by a roof, but not enclosed.
2. Any restaurant having received a temporary or final certificate of occupancy prior to March 1, 2004, may permit smoking in an accessory bar or room that is physically separated from the restaurant and independently ventilated from smoke free areas. The Building Official may adopt standards consistent with adopted building codes to accomplish this goal. Such accessory bar areas or rooms may not be located in such a manner as to require non-smoking customers to walk through the area to reach the non-smoking areas.
3. All entry lobby areas, waiting areas, restrooms and areas within fifteen (15) feet of the entrance shall be designated as smoke free.
4. Restaurants and bars which were closed for a period of one consecutive year or more prior to the date of reopening and reopened after March 1, 2004 shall comply with this section.
5. Restaurants having received a temporary or final certificate of occupancy on or after January 1, 2004 shall not permit smoking in any accessory bar or room area, regardless of physical separation and independent ventilation.

(c) A restaurant having received a temporary or final certificate of occupancy prior to March 1, 2004 may permit smoking within a designated area subject to the provisions of this subsection. On or before December 31, 2004, restaurants shall permit smoking only:

1. Smoking may be permitted in outside patio areas covered by a roof, but not enclosed.
2. In an accessory bar or room that is physically separated from the smoke free areas and independently ventilated from smoke free areas. The Building Official may adopt standards consistent with adopted building codes to accomplish this goal. Such smoking area may not be located in such a manner as to require non-smoking customers to walk through the area to reach the non-smoking areas.

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(d) All entry lobby areas, including but not limited to within fifteen feet of the entrance, waiting areas and restrooms shall be designated as smoke free.

(e) All restaurants shall conspicuously post notices at all public entrances indicating whether smoking is permitted in a designated area. . All restaurants shall conspicuously post a notice provided by the City at their main public entrance indicating the status of compliance with the provisions of sections 17-71 – 17-75 of this code.

(f) All Bars for which a certificate of occupancy was issued prior to March 1, 2004 shall be subject to the provisions of Sections 17-71 through 17-73 of this Chapter.

(g) The owner of any restaurant for which a temporary or final certificate of occupancy was issued prior to March 1, 2004 may apply for a one (1) year exemption to make the improvements required by this Section. The application shall be filed with the Building Official of the City. The improvements required by this section shall be made within the one-year period unless a request for a hardship exemption is filed under this section.

(h) The owner of any restaurant for which a certificate of occupancy was Issued prior to March 1, 2004 and for which a one-year exemption was issued by the Building Official may file for a hardship exemption at the end of the one-year exemption period. The hardship exemption shall be for a period of Five (5) years and shall expire upon the end of the five-year period of upon the owner making improvements greater than 25% of the Value of the building.

(1) The City Manager shall develop a grant program subject to the appropriation of funds by the Council through the annual budget process to award grants to businesses requesting financial assistance to pay the cost of compliance with the new requirements of this ordinance. Such grants shall be available only to those businesses requesting a hardship exemption under this section.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 03-181, 12/2/03, Amended) SUPP 2003-4

(Ord. No. 04-18, 03/16/04, Amended) SUPP 2004-1