

## ARTICLE III Smoking Regulations

### Sec. 9-81. Declaration of policy.

Smoking and environmental tobacco smoke have been established to be Group A carcinogens that cause cancer in humans. Traditional smoking products and electronic cigarettes regularly contain nicotine. Nicotine is an addictive drug. It is the express policy of the Town Council that abstention from smoking occur in enclosed public places and in the enclosed work place. As a public policy objective, the Town Council desires that smoking not occur in enclosed public places and that the public effectuate this policy to the greatest extent practicable.

Editor's note(s)—Former § 10-81.

### Sec. 9-82. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

*Electronic cigarette* means any electronic product or device that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or vape pen and any related device.

*Outdoor public place* means any area located on public property to which the public is invited to gather, such as public parks and public recreational areas designed in whole or in part to be used by adults and/or children that have play or sports equipment or have been designated or landscaped for play or sports activities or any other similar facility located on public property and outdoor public venues for public gatherings, including the Fanny Hill event/concert area and the entire Jazz Aspen Snowmass concert and food area and the Base Village plazas and lawns. Outdoor public places shall not include public roads, parking lots or other areas designated or reserved for the parking of motorized vehicles, hiking, biking, skiing or horseback riding trails.

*Public place* means any area where the public is invited or permitted or an area that serves as a place of work.

*Service line* means any outdoor line at which one (1) or more persons are waiting to enter, exit, embark or disembark for or are receiving service of any kind, such as movie ticket lines, theatre lines, concert lines, sporting event lines, food vendor lines, lift ticket lines and chairlift or gondola lift lines.

*Smoking* means the combustion of any cigar, cigarette, pipe or similar article, using any form of tobacco or other combustible substance in any form, or any electronic cigarette, other than for theatrical performances by an employee of the establishment.

Editor's note(s)—Former § 10-82.

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### **Sec. 9-83. Smoking prohibited.**

- (a) Smoking is prohibited in all enclosed public places; in those outdoor public places where members of the public, other than the person or persons who are smoking, have gathered for a public event and are closer than twenty-five (25) feet to the person who wishes to smoke; and service lines.
- (b) Smoking may be permitted, however, at the discretion of any organizer or sponsor of an event or activity in outdoor public places, only in specifically designated smoking-permitted areas, provided that:
  - (1) Such places are clearly marked and delineated as such.
  - (2) Such places are posted with signs that clearly and conspicuously recite the phrase, "This is a Smoking Permitted Area. No smoking permitted outside this area."
  - (3) Such place is no closer than fifteen (15) feet from any service line or other area where food or beverages are sold or consumed or are designated for the sale or consumption of food or beverages or are where persons are gathered for the purpose of selling, purchasing or consuming food or beverages.
  - (4) Such place is no closer than fifteen (15) feet from the area where persons are gathered at, performing at or using the facilities of an outdoor public place.

(Ord. 6-1989 §1; Ord. 8-2001 §1; Ord. 30-2001 §1; Ord. 19-2007 §2; Ord. 8-2019 §1)

Editor's note(s)—Former § 10-83.

### **Sec. 9-84. Signs.**

- (a) All enclosed public places, outdoor public places and service lines shall be posted with signs that clearly and conspicuously recite the phrase "No Smoking" or use the international no-smoking symbol. The signs shall be of sufficient number and placed in prominent locations to convey the message that smoking is prohibited to the public clearly and legibly. Those enclosed public places that are used solely as places of work are exempt from the requirements of this Section.
- (b) In any public place, outdoor public place or service line where electronically amplified music or speech or both are regularly employed as part of the use of such area, the organizer or promoter of the use of said area shall be required to announce, by means of the electronic amplification then in use, at intervals no greater than between performances and at any intermission, that "This area is designated as a smoke-free zone, where smoking is prohibited, except in the designated smoking-permitted areas."
- (c) No such announcements shall be required in areas where the electronically amplified music or speech is incidental to and not a part of the purpose of the use of the area.

(Ord. 6-1989 §1; Ord. 8-2001 §1; Ord. 30-2001 §1; Ord. 19-2007 §3; Ord. 8-2019 §1)

Editor's note(s)—Former § 10-84.

### **Sec. 9-85. Violation and penalty.**

The following acts constitute violations of this Article:

- (1) Smoking in an enclosed public place, outdoor public place or service line.
- (2) Failing to post signs or make the announcements as required by this Article.
- (3) Willfully destructing or defacing signs required to be posted by this Article.

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Editor's note(s)—Former § 10-85.

**Sec. 9-86. Penalty assessment.**

<i>Offense</i>	<i>Penalty</i>
Smoking prohibited (Sec. 9-83(1))	
First offense	\$50.00
Second offense	Summons

( Ord. 15-2017 §3h; Ord. 8-2019 §1)

Editor's note(s)—Former § 10-86.