

ATTACHMENT 1

Smoking Ordinance Update: Outdoor Service Areas

9-20.050 Prohibition of smoking in unenclosed nonresidential places.

(A) Smoking shall be prohibited in the following unenclosed places within the City except in such places in which smoking is already prohibited by State or federal law in which case the State or federal law applies:

(1) Parks and recreational areas, as defined in Section 9-20.030. Smoking may be allowed in designated smoking areas as authorized by the City Manager.

(2) Dining areas, subject to special permit exception as set forth in subsection (C) of this section.

(3) Old Courthouse Square, including any of the grass, fountain and seating areas located within the public square commonly known within the City as “Old Courthouse Square” located between Fourth Street on the northern boundary and Third Street on the southern boundary.

(4) Comstock Mall, consisting of pedestrian ways between the City’s parking garage located on D Street, on the eastern boundary, Santa Rosa Avenue on the western boundary, First Street on the southern boundary and Third Street on the northern boundary, including but not limited to any fountains or benches within that area.

(5) The pedestrian walk way running north-south, between Fourth Street, on the southern boundary, and the Fifth Street public parking lot, on the northern boundary, named by the City as “Jeju Way.”

(6) The City’s downtown transit mall located between B Street on the western boundary and Santa Rosa Avenue on the eastern boundary.

(7) The City’s Westside Transfer Station located on the corner of Marlow Road and College Avenue.

(8) Outdoor service areas.

(B) Smoking shall be prohibited within a reasonable distance (minimum of 25 feet), as defined in this chapter, from any area in which smoking is prohibited except while actively passing on the way to another destination and without entering or crossing any area in which smoking is prohibited.

(C) With respect to privately owned unenclosed dining areas only, to the extent that smoking is not otherwise prohibited by State or federal law, the owner or operator of any such area may apply to the City for a one-day special event permit to allow for any event of which the use of tobacco products is an integral part.