

CITY OF GREELEY, COLORADO

ORDINANCE NO. 17, 2023

AN ORDINANCE AMENDING TITLE 12, CHAPTER 2, ARTICLE IV, SECTION 12-151 AND TITLE 24 OF THE GREELEY MUNICIPAL CODE RELATING TO THE ALLOWANCE OF PRIVATE TOBACCO SMOKING ESTABLISHMENTS

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and,

WHEREAS, the City of Greeley enacted an ordinance to protect the health, safety, comfort and welfare of city citizens from the harmful effects of secondhand smoke by banning smoking in all places where people are likely to gather in close proximity to one another and to enhance the existing health protections provided under the law; and,

WHEREAS, since the adoption of its smoking limitations the City has considered a limited exception to this ordinance to allow the smoking of tobacco products within the confines of a private facility not open to the public and considered on a case-by-case basis and regulated by certain land use restrictions; and,

WHEREAS, the recommended amendments to the Greeley Municipal Code would allow a limited exception to the City’s smoking regulations that would not interfere with its intent to protect the general welfare of the community from the harmful effects of smoking.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Article IV – Banning Smoking in Public Places and Common Areas of Assembly, Section 12-153 of the Greeley Municipal Code shall be amended as shown in Appendix A, attached hereto and incorporated herein.

Section 2. Title 24 – Development Code, of the Greeley Municipal Code shall be amended as shown in Appendix B, attached hereto and incorporated herein.

Section 3. This ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF MAY, 2023.

ATTEST

**THE CITY OF GREELEY,
COLORADO**

City Clerk

Mayor

APPENDIX A

BOLD text is new language; Text ~~stricken~~ is deleted language

Article IV – Banning Smoking in Public Places and Common Areas of Assembly, Section 12-153

Sec. 12-153. - Ban.

Smoking is prohibited in public places or common areas, as defined by this chapter, and within 25 feet in any direction of a public place or common area, **with the exception of Private Smoking Clubs as defined in Section 24-1301**. Smoking is also prohibited anywhere designated by the city by posting a sign using the words "No Smoking" or the international "no smoking" symbol.

APPENDIX B

BOLD text is new language; Text ~~stricken~~ is deleted language

Title 24 – Greeley Development Code is hereby amended as follows:

Chapter 4 – Zoning Districts & Uses

24-402 Allowed Uses

Table 24-4-2: Zoning Districts and Uses														
P = Permitted Use S = Use by special review Blank = prohibited														
Districts	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
Use														
Commercial Uses														
Manufacturing — Rendering, Slaughter & Packaging												S		
Oil & Gas Operations	See section 24-1102 for standards and procedures applicable in all districts													
Private Smoking Club							S		S	S	S	S		

Private Smoking Clubs. A non-commercial, private facility, not open to the general public, whose bona fide members’ primary association relates to the smoking of legal tobacco products subject to all of the following:

- 1. Club membership criteria must be such that the general public cannot access the club with a day pass, limited membership or similar exception.**
- 2. The smoking club is limited to occupancy of a free-standing building or that is in an area within an establishment accesses exclusively with a separate entrance and is in an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not back streamed into the nonsmoking areas.**
- 3. The club may have an outdoor patio if not located immediately adjacent to another business or residence, public right-of way, sidewalk or trail, other patio space, playground or similar outdoor recreational space.**

4. **Building signage is limited to that allowed for C-L (Commercial Low-Intensity) uses.**
5. **Any product sales or rentals will require a business license, are limited to members only, and any sale of alcoholic beverages must be permitted by a City liquor license and not exceed 20% of gross revenue.**
6. **Such facilities are specifically prohibited from any electronic arcade or gaming machines or allowing members to engage in games of chance.**

Chapter 13. Definitions & Terms

***Private Smoking Club* means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation.**