

# Smoking Establishments Overview of Code Options

City Council Work Session  
January 24, 2023



# Overview

- The Greeley Municipal Code **bans smoking** in “all places where people are likely to gather in close proximity to one another”. This includes public places or common areas and within 25’ of such areas;
- “**Public places**” means “...areas to which the general public is invited or permitted....” and includes all indoor and outdoor public and private commercial and business operations, transportation facilities, educational and health facilities, music or sporting venues, and spaces ranging from park shelters and ballfields to ball fields, pools and playgrounds, etc.

# Request

- A question has been posed about the City's receptiveness to an exception to its smoking ban to allow for a "Smoking Club" use
- City Council indicated it would be willing to consider how such a use could be accommodated; staff indicated it would return with a review and options



# Smoking Lounges: 2 approaches

## Commercial Uses/Regulations:

- Cigar lounges, hookah lounges, tobacco clubs, or tobacco bars
- Typically require a minimum percentage of the gross revenue to derive from the on-premise sale of smoking products
- Often limit food or alcohol sales
- May require distance separation from other sensitive land uses
- May limit live entertainment or gaming activities or use of cover charges
- Can include limited hours of operation and age restrictions

## Private Smoking or Cigar Club (preferred option)

- Membership organization with defined charter/purpose
- Operations often controlled by membership
- Facilities are only open to members and their guests
- Members may pay fees or purchase a membership to access certain privileges not available to the general public
- Incidental alcohol sale or consumption subject to local liquor licensing regulations
- Usually not-for-profit but subject to sales tax and other local business licenses
- *The GMC currently includes a specific prohibition of “private marijuana club” use*

# Action Steps

1. Amend the GMC to provide an exception on the smoking ban for Private Smoking Clubs  
*(sample language)*

## Section 12-153:

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 XXX.** Smoking is also prohibited anywhere designated by the city by posting a sign using the words "No Smoking" or the international "no smoking" symbol.



# *Action steps cont.*

## 2. Provide a definition for a Private Smoking Club (*sample language*)

**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.**

# *Action steps cont.*

## 3. Assign a land use category and conditions for approval

**Allow Private Smoking Clubs as a Use by Special Review (USR) in the C-H (Commercial High Intensity), MU-H (Mixed Use High Intensity), I-L (Industrial low Intensity), I-M (Industrial Medium Intensity), I-H (Industrial High Intensity) or in a Planned Unit Development (PUD) zone. The USR and PUD will include provisions will define limitations on signage, access to the public, occupancy in a stand-alone facility or in a portion of another facility that is able to fully contain air emissions, outdoor (patio use), evidence of is non-profit status as a private club, and all required business licenses.**



# Next Steps

- Obtain direction from Council
- If authorized, draft ordinance for Planning Commission review and recommendation;
- Return to Council for public hearing and action



**DISCUSSION...**