

# Smoking Establishments Overview of Code Options

City Council  
May 2, 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

- The City was presented with a request to consider an exception to its smoking ban
- City Council reviewed options to allow limited permission for such a use as private “smoking clubs” at its January 24, 2023 work session and agreed to consider appropriate code amendments for that purpose
- The ordinance before Council provides that authority



# Ordinance Amendments

- **Section 12-153:** Amends Smoking Ban to allow for the exception for private tobacco smoking establishments
- **Section 24 (Development Code)**
  - Creates the definition of a private tobacco smoking establishment
  - Defines in which zones the land use may operate
  - Identifies special conditions that apply to the use, structure and operation of the smoking establishment



# Development Code Amendments

## **Private Tobacco Smoking Club Definition:**

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.



# Development Code Amendments

Smoking Establishments must meet Special Conditions and would be allowed as a Use by Special Review (Planning Commission approval only) in the following zones:

- C-H (Commercial High Intensity)
- MU-H (Mixed Use High Intensity)
- I-L, I-M and I-H (All Industrial Zoned areas)



# Special Conditions

1. Club membership must **limit access to the general public** (no day passes, limited membership, etc.)
2. Club must be in a **free-standing building or within a building shared with others uses with its own separate access and constructed to limit smoke emissions from reaching other tenants**
3. May have an **outdoor patio** if not located adjacent to other business or residences or adjacent to a public right-of-way, sidewalk or trail, playground or adjacent patio space or similar
4. Building **signage** limited to that allowed in a C-L (Commercial Low Intensity Zone)
5. Any **on-site product sales** are limited to members only, require a business license; alcohol sales may not exceed 20% of gross revenue
6. The Club is **prohibited from any electronic arcade or gaming machines** or allowing member to engage in games of chance



# QUESTIONS

