

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to standardize laws of governmental subdivisions that control and regulate smoking in public places, the State of Oklahoma has enacted legislation to preempt regulations that differ from State law; and
- §2. WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-1527, is authorized to enact laws restricting smoking on properties owned or operated by the City; and
- §3. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control smoking in public places by adopting Ordinance O-2425-11.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

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- § 4. THAT the title of Article V of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as "Smoking in Public Places."

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- § 5. THAT Section 16-501 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;

- (c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument in or on Municipal Property. Neither shall a person smoke or carry any lighted smoking instrument in a Public Place or at a public Meeting, except where otherwise specifically allowed by law.

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§ 6. THAT Section 16-502 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Health Facility:* An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

*Indoor Workplace:* Any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this Section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

*Meeting:* A meeting as defined in the Open Meeting Act.

*Municipal Property:* All buildings, Indoor Workplaces, Public Parks, and Public Places owned and operated by the City, including but not limited to vehicles and equipment owned by the municipality.

*Person:* Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

*Public Body:* A public body as defined in the Open Meeting Act.

*Public Park:* All unenclosed areas of a park or playground, including outdoor recreation areas, that is owned and operated by the City to which members of the general public have been granted a right to access.

*Public Place:* Any enclosed indoor area where individuals other than employees are invited or permitted.

*Restaurant:* Any eating establishment regardless of seating capacity.

*Smoking:* The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

*Stand-alone bar, Stand-alone tavern, and Cigar bar:* An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

*Tobacco Product:* Any product that contains tobacco and is intended for human consumption.

*Vapor Product:* Any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Products shall include any vapor cartridge or other container of a solution, that may or may not contain nicotine, or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, or similar electronic product or device.

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§ 7. THAT Section 16-503 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

- (a) No person shall smoke tobacco or marijuana or vape marijuana in a Public Place, in an Indoor Workplace, in any vehicle providing public transportation, or at a meeting of a Public Body, except where otherwise specifically permitted by law.
- (b) Notwithstanding Subsection (a) above, no person shall smoke or use Tobacco Products or Vapor Products or smoke or vape marijuana in or on any Municipal Property.
- (c) The restrictions provided in this Section shall not prohibit tobacco smoking in:
  - (1) Stand-alone bars, Stand-alone taverns or Cigar bars;
  - (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;

- (3) Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
- (4) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
- (7) Private offices occupied exclusively by one or more smokers;
- (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this Section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
- (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
- (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- (12) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.

- (d) If tobacco smoking is to be permitted in any space exempted in subsections (c)(5) or (c)(6) of this Section or in a tobacco smoking room pursuant to subsection (c)(2) of this Section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.
- (e) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.
- (f) The person that has legal or de facto control of an area in which smoking and the use of Tobacco Products or Vapor Products is prohibited by this Article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area.
  - (1) For restrictions on smoking or use of Tobacco Products or Vapor Products in indoor areas, a sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
  - (2) For restrictions on smoking and the use of Tobacco Products or Vapor Products in outdoor Municipal Property, signs shall be posted at each entrance that are (1) weather-resistant; (2) at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at least one (1) inch; and (3) clearly state that the place is smoke-free or tobacco-free.
- (g) Responsibility for posting signs or decals shall be as follows:
  - (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
  - (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
  - (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.

(h) The person who owns or operates a place where smoking or use of Tobacco Products or Vapor Products is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this Article.

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§ 8. THAT Section 16-504 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

- (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), as provided in the City penalty and fine schedule, excluding costs, fees, and assessments.
- (b) The possession of a lighted smoking instrument in violation of this Article shall be deemed a nuisance.
- (c) Enforcement of this Article shall be the responsibility of the City of Norman Police Department, or, in addition, any peace officer or code enforcement official.

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§ 9. THAT Section 16-505 through 16-508 of Chapter 16 of the Code of Ordinances of the City of Norman shall be titled “Reserved” for the consistency and clarity of the Code of Ordinances of the City of Norman.

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§ 10. THAT Appendix B – City of Norman Penalty and Fine Schedule of the Code of Ordinances of the City of Norman shall be amended to read as follows:

<i>Chapter 16--Health and Safety</i>		
16-115	Violation of article 16-I	\$50.00--\$750.00
16-211	Violation of article 16-II	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-311	Violation of article 16-III	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-406	Violation of article 16-IV	\$50.00--\$1,000.00 and/or imprisonment not to exceed 90 days
16-504	Violation of article 16-V	\$10.00--\$100.00
16-602	Violation of article 16-VI	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days

16-703	Violation of article 16-VII	\$50.00--\$750.00
16-813	Violation of article 16-VIII	\$50.00--\$750.00
16-904(b)	Removal of street tree in violation of NCC 16-903, per inch DBH	Up to \$50.00
16-813	Total administrative fine not to exceed	\$2,000.00
16-911	Violation of article 16-IX; per offense	Up to \$500.00
16-1103	Violation of article 16-XI; per offense	\$50.00—\$750.00

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§11. Severability and Intent. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance. It is the intent of the City of Norman City Council to supplement applicable state and federal law, not to duplicate nor contradict such law.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Larry Heikkila, Mayor

\_\_\_\_\_  
Larry Heikkila, Mayor

ATTEST:

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Brenda Hall, City Clerk