

## CHAPTER 9.40

### INDOOR CLEAN AIR ORDINANCE

#### SECTION:

9.40.010: Purpose

9.40.020: Definitions

9.40.030: Smoking Prohibited - Public Places

9.40.040: Designation of Smoking Areas

9.40.050: Owner's Duties of Enforcement

9.40.060: Private Workplaces

9.40.070: Penalties

**9.40.010: Purpose:** The City Council finds that the tobacco smoke in closely confined places may create a danger to the health of some citizens and is patently offensive to some. In order to protect the health and welfare of those citizens, it is necessary to prohibit smoking in public places except in areas designated as smoking areas. (Ord. 2940 Sec. 1 (part), 1985)

**9.40.020: Definitions:** As used in this chapter the following terms have the meaning indicated unless the context clearly indicates otherwise:

(1) "Smoke" or "Smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(2) "Public Place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission. Public places include, but are not limited to: Elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public rest rooms, libraries, restaurants, waiting areas, lobbies, and reception areas. A public place does not include a private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

(3) "Restaurant" means any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where meals are made available to be consumed on the premises, for consideration of payment. (Ord. 2940 Sec. 1 (part), 1985)

**9.40.030: Smoking Prohibited - Public Places:** No person may smoke in a public place except in a designated smoking area. (Ord. 2940 Sec. 1 (part), 1985)

**9.40.040: Designation of Smoking Areas:**

(1) A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person in charge except in:

(a) Elevators; buses, except for private hire; streetcars; taxis, except those clearly and visibly designated by the owner to permit smoking; public areas of retail

stores and lobbies of financial institutions; office reception areas and waiting rooms of any building owned or leased by the state of Washington or by any city, county, or other municipality in the state of Washington; museums; public meetings or hearings; classrooms and lecture halls of schools, colleges, and universities; and the seating areas and aisle ways which are contiguous to seating areas of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas; and

- (b) Hallways of health care facilities, with the exception of nursing homes, and lobbies of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas, if the area is not physically separated. Owners or other persons in charge are not required to incur any expense to make structural or other physical modifications in providing these areas. Except as provided in other provisions of this chapter, no public place, other than a bar, tavern, bowling alley, tobacco shop, or restaurant, may be designed as a smoking area in its entirety. If a bar, tobacco shop, or restaurant is designated as a smoking area in its entirety, this designation must be posted conspicuously on all entrances normally used by the public.

- (2) Where smoking areas are designated, existing physical barriers and ventilation systems are to be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

- (3) Managers of restaurants who choose to provide smoking areas must designate an adequate amount of seating to meet the demands of restaurant patrons who wish to smoke. Owners of restaurants are not required to incur any expense to make structural or other physical modifications in providing these areas. Restaurant patrons must be informed that separate smoking and nonsmoking sections are available.

- (4) Except as otherwise provided in this chapter, a facility or area may be designated in its entirety as a nonsmoking area by the owner or other person in charge. (Ord. 2940 Sec. 1 (part), 1985)

**9.40.050: Owner's Duties of Enforcement:** Owners, or in the case of a leased or rented space, the lessee or other person in charge, of a place regulated under this chapter must make every reasonable effort to prohibit smoking in public places by posting signs prohibiting or permitting smoking as appropriate under this chapter. Signs must be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs must be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a nonsmoking area and a smoking permitted area must be designated so that persons may differentiate between the two areas. (Ord. 2940 Sec. 1 (part), 1985)

**9.40.060: Private Workplaces:** This chapter does not regulate smoking in private, enclosed workplaces within a public place even though it may be visited by nonsmokers, unless smoking is prohibited and posted by the fire marshal. Smoking is otherwise prohibited in common work areas. (Ord. 2940 Sec. 1 (part), 1985)

**9.40.070: Penalties:**

- (1) Any person who smokes in a public place or common work area is guilty of an infraction and subject to a civil penalty of up to \$500.00.

- (2) Any person knowingly violating 9.40.040 or 9.40.050 is guilty of an infraction and subject to a civil penalty of up to \$500.00. Each day that a violation occurs or continues constitutes a separate violation.

(3) The fire marshal will enforce Sections 9.40.040 and 9.40.050. (Ord. 2940 Sec. 1 (part), 1985)