

**BILL NO. 16-29**

**ORDINANCE NO. 4.357**

**AN ORDINANCE AMENDING TITLE II, CHAPTER 100, SECTION 2.130.060 OF THE CITY OF GLADSTONE, MISSOURI'S MUNICIPAL CODE RELATING TO EXCEPTIONS TO SMOKING RESTRICTIONS.**

**WHEREAS**, the City of Gladstone ("City") prohibits smoking in enclosed places of employment and all enclosed public places in Section 2.135.030 of the Gladstone City Code ("Code") and provides for exceptions to the prohibition in Section 2.135.060 of the Code; and

**WHEREAS**, the City Council desires to amend Section 2.135.060 to revise the list of exceptions in order to further promote the public health, safety and general welfare in the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:**

Section 1. That Section 2.130.060 of the Code is hereby amended to read as follows:

**Section 2.135.060. – Exceptions to smoking restrictions.**


Notwithstanding any other provision of this chapter to the contrary, the following shall not be subject to the smoking restrictions of this chapter.

- (1) Private residences, not serving as enclosed places of employment or enclosed public places;
- (2) An entire room or hall which is used for private social functions, provided that the seating arrangement is under the control of the sponsor of the function and not of the proprietor or other person in charge;
- (3) Performers on stage in a theatrical production, where smoking is required as part of the production;
- (4) Private rooms in nursing homes and long-term care facilities the residents of which are smokers and have requested the management of the facility to be placed in a room where smoking is permitted;
- (5) Retail establishments where more than eighty percent (80%) of the volume of trade or business carried on is the sale of tobacco and tobacco related products;
- (6) Hotels and motels may permanently designate ten percent (10%) of guest rooms as smoking rooms. A hotel or motel may only change the specific rooms that are designated as smoking rooms once during any 12-month period.

Section 2. That this Ordinance shall be in full force and effect from and after 60 days of the date of its passage and approval.

Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 13<sup>TH</sup> DAY OF JUNE, 2016.

  
Jean B. Moore, Mayor

ATTEST:

  
Ruth E. Bocchino, City Clerk

First Reading: June 13, 2016

Second Reading: June 13, 2016

Language to be added is underlined; and language to be deleted is shown with ~~strikethrough~~.

**Section 2.135.060. – Exceptions to smoking restrictions.**

Notwithstanding any other provision of this chapter to the contrary, the following shall not be subject to the smoking restrictions of this chapter.

- (1) Private residences, not serving as enclosed places of employment or enclosed public places;
- ~~(2) Private clubs;~~
- (2) An entire room or hall which is used for private social functions, provided that the seating arrangement are under the control of the sponsor of the function and not of the proprietor or other person in charge;
- ~~(4) Limousines for hire and taxicabs, where the driver and all passengers affirmatively consent to smoking in such vehicles;~~
- (3) Performers on stage in a theatrical production, where smoking is required as a part of the production;
- (4) Private ~~and semiprivate~~ rooms in nursing homes and long-term care facilities the residents of which are ~~all~~ smokers and have ~~all~~ requested the management of the facility to be placed in a room where smoking is permitted
- (5) Retail establishments where more than 50 eighty percent (80%) of the volume of trade or business carried on is the sale of tobacco and tobacco-related products;
- (6) Hotels and motels may permanently designate ten percent (10%) of guest rooms as smoking rooms. A hotel or motel may only change the specific rooms that are designated as smoking rooms once during any 12-month period;.
- ~~(9) Pool and billiard halls, and bowling alleys;~~
- ~~(10) — Bars, taverns, and restaurants seating fewer than 50 persons, so long as signs are conspicuously posted that state “Non-Smoking Areas are not Available.”~~