

**Human Relations Commission**  
**Monday, June 16, 2014**  
**City Council Chambers**  
**1777 Broadway, 2<sup>nd</sup> Floor**  
**6:00 p.m.**

- I. Call to Order
- II. Agenda Adjustments
- III. Approval of Minutes
  - A. May 19, 2014
- IV. Community Participation (non-agenda action items)
- V. Action Items:
  - A. Community Impact Fund Report, BMoCA
  - B. Resolution on Support for Transgender and Gender Nonconforming Children and Youth
- VI. Discussion/Informational Items
  - A. Living Wage Issue:
    - 1. Rob Merritt, Denver Prevailing Wage Supervisor
    - 2. Dr. Don Grant, Professor of Sociology at CU-Boulder
  - B. Proposal for Smoking Ban on Selected City Properties
  - C. YOAB Youth Age Discrimination Issue Update
  - D. 2014 HRC Work Plan
    - 1. Celebration of Immigrant Heritage RFP
    - 2. July HRC Meeting at OutBoulder
    - 3. Update in Panhandling Issue
  - E. Bolder Boulder
  - F. Event Reports
  - G. Follow Up Tasks
- VII. Immediate Action Items
- VIII. Adjournment

Attachments:

Minutes:	May 19, 2014
Resolution:	Support for Transgender and Gender Nonconforming
Living Wage:	Denver
Memo:	Smoking Ban

**City of Boulder**  
**Human Relations Commission Minutes**  
**Monday, May 19, 2014**  
**1777 West Conference Room**  
**1777 Broadway Lobby Area**  
**Boulder, Colorado**  
**6:00 p.m.**

**COMMISSIONERS PRESENT:**

Peter Osnes  
Emilia Pollauf  
Shirly White  
Amy Zuckerman

**COMMISSIONERS ABSENT:**

José Beteta

**STAFF PRESENT:**

Carmen Atilano  
Kimberly Pearson  
Karen Rahn

- I. **Call to Order**  
The May 19, 2014 HRC meeting was called to order at 5:59 p.m. by **A. Zuckerman**.
  
- II. **Agenda Adjustments**  
None.
  
- III. **Approval of Minutes**  
**White moved** to approve the Apr. 21, 2014 minutes as amended. **Osnes seconded** the motion.  
**Motion carries 4-0.**
  
- IV. **Community Participation**  
None.
  
- V. **Action Items**
  - A. **2014 Community Impact Fund Applications:**
    1. **Boulder History Museum (BHM)** – Julie Schumaker (Curator of Exhibits & Facilities) answered questions regarding the Boulder History Museum’s updated Community Impact Fund application. BHM requested funding to support the reinstallation of *Chief Niwot ~ Legend & Legacy* exhibit. The revised exhibit would include Boulder’s involvement in the Sand Creek massacre. Schumaker confirmed that the proposal does not request funding for a permanent physical marker of the massacre. **S. White moved** to fund the Request for Proposal in the amount of \$2,000. **E. Pollauf seconded** the motion. Motion carries 4-0.
  - B. **Boulder County Allies for Inclusion (BCAFI) Letter of Support** – **A. Zuckerman** explained that the HRC has been asked to sign on to a letter that expresses support for adding gender-neutral single-stall bathrooms to schools in the Boulder Valley School District. The HRC was unable to sign onto the BCAFI letter but a letter that would be sent directly from the HRC was drafted. The letter needs to be approved by the City Attorney either for direct submission to BVSD or submission to City Council for approval. **S. White moved** to

conditionally approve the letter of support. **P. Osnes seconded** the motion. **Motion carries 4-0.**

## **VI. Discussion/Informational Items**

### **A. 2014 HRC Work Plan**

1. **Living Wage Policy Update** – **C. Atilano** presented new information related to living wage policies. Atilano discussed the City of Boulder’s living wage policy, Resolution 926, which ensures that standard, full-time employees earn above 120% of federal poverty guidelines which in 2014 is \$13.76 an hr. The City of Boulder is in compliance with the policy and has brought up about 4 employees to that hourly in the 11 years that the policy has been in effect. Second, Atilano provided commissioners with a chart detailing the living wage policies of over 20 cities across the country. Atilano also discussed how Colorado Revised Statutes (C.R.S.) § 8-6-101 prohibits local minimum wage enactments, but units of local government may still set minimum wages for their own employees. Atilano then asked the commissioners to consider that each city goes about passage of a living wage in a unique manner due to personal characteristics of cities. She also encouraged commissioners to consider economic, political, and social factors might have changed since passage of Resolution 926. **S. White** asked whether it would be best to research the possibility of public contract workers receiving a living wage. **K. Rahn** replied that the city attorney would have to first see whether it is possible to pay contract workers living wages due to C.R.S. § 8-6-101. **S. White** asked whether the city budget might be stronger now than in 2003. **K. Rahn** replied that the budget is about the same as it was 11 years ago. **K. Rahn** stated that research would need to be undertaken to understand what unintended consequences a living wage might have on the private sector, if applied to public contract workers. **S. White** stated that she would be curious to learn the effects that living wages have had in other municipalities. **C. Atilano** stated that Denver was able to enact a living wage policy for public contract workers, taking C.R.S. § 8-6-101 into account, so it would be beneficial to learn of their experience. **S. White** stated that Colorado has the fastest growing child poverty rate in the nation. In addition, she stated that a living wage policy is consistent with the resiliency framework that the City of Boulder is implementing. **C. Atilano** stated that next steps could be finding out more information about the Denver living wage policy. **S. White** also suggested that professor Don Grant at CU Boulder would be a good resource, since he was integral in the passage of Tucson’s living wage ordinance. Commissioners and staff agreed to invite both someone from Denver who works with the living wage policy and Don Grant to speak at the next HRC meeting.

2. **Update on MEI Review** – **A. Zuckerman** stated that she, E. Pollauf, and C. Atilano met and invited Mardi Moore (Executive Director of Out Boulder) to discuss Boulder’s rating in the Municipal Equality Index issued by the Human Rights Campaign. They have drafted actions that the city may take to improve the score. Zuckerman stated that some had the perspective that Boulder was graded like a large municipality instead of as a smaller city. One change that the city could pursue is revising the Human Rights Ordinance to include “gender expression” as a protected class, versus “gender variance.” More information will be presented at the June HRC meeting.

3. **Legislative Update** – **C. Atilano** gave an update on the two most recent legislative bills that the HRC recommended to City Council to support. SB 14-005, the Wage Protection Act, would give the Colorado Department of Labor Wage and Hour Division the authority to provide complaint enforcement and pursue unpaid wages of workers. SB 14-005 has been sent to the governor’s desk and will become law if not vetoed by June 7<sup>th</sup>. HB 14-1124, In-state Tuition Classification for American Indian Tribes with Historical Ties to CO, was recently killed due to concerns over economic impacts to Colorado universities. **A. Zuckerman** asked whether the bill might be reintroduced. **C. Atilano** replied that it is a

possibility since the bill had many sponsors.

4. **Celebration of Immigrant Heritage Week RFP** – **C. Atilano** stated that after internal city discussion, it was decided that the week should continue to occur the first week of October, instead of the week of the anniversary of the flood. The flood anniversary events might have overshadowed the immigrant heritage week events.

5. **July HRC Meeting** – **C. Atilano** stated that in following through with on-site, community meetings, the July HRC meeting will be held at Out Boulder.

- B. Homeless Update** – **K. Rahn** presented an overview on the Department of Human Services' current work on homelessness. Human Services has been working in earnest on homeless issues related to services, funding, and collaboration with other agencies through the regional Boulder County 10-Year Plan to Address Homelessness. The Plan provides a framework to address homelessness that was accepted by many different governmental bodies and agencies. The Plan focuses on providing sustainable solutions that move people from the street into safe housing with access to resources and case management that leads them to self-sufficiency and stability. Any new resources for homelessness will be directed toward sustainable housing solutions, not expanding emergency shelters or services. For 2014-2015, the Plan is focused specifically on housing and where housing can be built county-wide. The unique characteristics of each community must be addressed. In addition, the City of Boulder has been meeting with local service providers (Boulder Shelter for the Homeless, Bridge House, EFAA, Boulder County, faith and business community representatives, the Boulder Municipal Court, probation officers, and others) to address Boulder's unique issues. The committee's plan is to address service integration and coordination so that clients do not fall through the cracks. Meanwhile, groups do not collect client data in a streamlined manner. The city is also addressing safety issues on the municipal campus. Connecting the homeless population to crime on the municipal campus has been a problem, so the issues have been separated. The city will develop Homeless Action Plan Strategies. The first strategy is to strengthen regional relationships to address homeless housing and services. The City of Boulder, the City of Longmont, and Boulder County are doing the majority of the homeless service provision in Boulder County, so other cities should become engaged in order to address homelessness. The second area is facilitating development of a seamless, integrated homeless services system. There should be a coherent service delivery system that is easier to navigate. The third option is to identify, analyze and adopt land use approaches and other innovative solutions to increasing the supply of affordable housing options. The fourth goal is to create a community-wide shared data system to better track the progress of clients. The last goal is to improve community education on homelessness. For example, everyone you see on the street is less than 11% of the total homeless population. **Councilman George Karakehian** entered the meeting to talk about the importance of boards and commissions to help inform City Council on issues such as homelessness. **K. Rahn** suggested that the HRC look at the memo on the aggressive pan-handling ordinance to be second-reading on June 3. If the HRC wants to provide input on the ordinance, a special meeting would need to be called to discuss. The ordinance would ban pan-handling around ATMs and in other situations that would be perceived as aggressive. Code changes have also been made to prevent criminal activity in the downtown area and around the municipal campus. **S. White** asked whether there are homeless people being arrested due to these code changes. **K. Rahn** said that laws must be enforced universally and that she will forward links related to the code changes. **S. White** asked for background on the code changes. **K. Rahn** stated that complaints of criminal activity in the municipal campus grew over a 5-year period. A lot of the problems were being attributed to the homeless, but the homeless weren't the entire cause of the issues. Results of the Boulder Community Survey of 2014 revealed that many people feel unsafe on the municipal campus. Relaxed sentences had no effect on the level of criminal activity on the municipal campus. However, the code changes have reduced criminal activity. Cameras

were also installed, which has helped police identify perpetrators. K. Rahn stated that the Civic Area Plan is also going to affect the municipal campus, which is underutilized. The first phase of the plan is to redesign and repurpose the area to provide different services that activate the area for the whole community. Secondly, different private and public development will occur. **A. Zuckerman** asked whether park closures relate to homelessness. **K. Rahn** stated that park closures have more to do with criminal activity, safety, and sanitation. Commissioners will review the memo on the aggressive pan-handling ordinance and decide via email on how to weigh in. **S. White** and **A. Zuckerman** expressed concern over the possibility of sanitizing the community by banning pan-handling. **K. Rahn** asserted that only aggressive pan-handling is banned. **S. White** wondered whether some people equate feeling uncomfortable with feeling unsafe. **A. Zuckerman** would like to pursue discussing park closures with the City Manager.

**C. Bolder Boulder** – **A. Zuckerman** explained the Bolder Boulder “Sea Level Is for Sissies” t-shirt issue. The slogan has homophobic and sexist undertones. Cathy Buchet (former Executive Director of Out Boulder) originally met with Bolder Boulder to discuss the t-shirt, but they agreed to do nothing. Over 17 people gathered to discuss the t-shirt. According to a Daily Camera article comments, some people do not feel the slogan is an issue and others feel the term “sissy” is used in relation to gay men in an abusive way. **S. White** stated that she’d like to keep the issue on the agenda.

**D. Event Reports**

1. **Youth Opportunities Advisory Board Award Reception** – **E. Pollauf, A. Zuckerman,** and **J. Beteta** attended and enjoyed the event, held at Ají Restaurant. The commissioners were impressed by the accomplishments of the youth. YOAB was pleased that several of the commissioners, in addition to City Council members, could attend.

**E. Follow Up Tasks**

1. Enter into Community Impact Fund contract in the amount of \$2,000 with Boulder History Museum.
2. Upon input of City Attorney, submit Letter of Support either to the BVSD School Board or City Council for approval.
3. Prepare next steps for living wage issue by getting information from Denver on their living wage ordinance and inviting the CU Boulder sociology professor, Don Grant, to attend June HRC meeting.
4. Follow up on the Municipal Equality Index review by HRC sub-committee.
5. Send commissioners the city website links on the homeless issue.
6. Speak with City Manager about the possibility of revisiting the issue of park closures.
7. Host an off-site HRC meeting in relation to the issue of homelessness, at a homeless organization.
8. Provide updates on Bolder Boulder t-shirt issue.

**VII. Immediate Action Items**

None.

**VIII. Adjournment**

**E. Pollauf moved** to adjourn the April 21, 2014 meeting. **P. Osnes seconded** the motion. **Motion carries 4-0.** The meeting was adjourned at 7:27 p.m.

Attested:

Approved:

Board Secretary

HRC Chairperson

**City of Boulder Resolution**  
**Council Support for Transgender and Gender-Nonconforming Children**  
**and Youth**

**WHEREAS**, a goal of the recently completed Boulder Valley School District (BVSD) strategic plan is that “students, families, staff, and community members experience a safe, healthy and inclusive environment.”

**WHEREAS**, restrooms are an integral and necessary service in our daily lives because they fulfill a basic human need. Providing safe restrooms to all people must be a high priority to all public institutions.

**WHEREAS**, numerous Boulder County, University of Colorado-Boulder, non-profit organizations, and faith community entities have expressed support for a request from parents of transgender and gender-nonconforming children and youth who are enrolled in BVSD schools. The request is for gender-neutral, single-stall bathroom options specifically for students at all BVSD schools, with clear and appropriate signage. The Capital Improvement Planning process provides the district with an opportunity to accommodate this request.

**WHEREAS**, the city of Boulder Human Relations Commission (HRC) has indicated its support for the gender-neutral, single stall bathroom options specifically for students at all BVSD schools, with clear and appropriate signage.

**WHEREAS**, this support from the HRC is in accordance with the city of Boulder’s non-discrimination ordinance, Boulder Revised Code, Title 12, regarding gender variance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Boulder City Council supports the need to accommodate transgender and gender-nonconforming children and youth with gender-neutral, single stall bathroom options specifically for students at all BVSD schools, with clear and appropriate signage.

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Matthew Appelbaum, Mayor

DIVISION 3.5 LIVING WAGE FOR CERTAIN EMPLOYEES ASSOCIATED WITH  
CITY CONTRACTS

Sec. 20-80. Payment of living wages.

(a) Required. Every person employed by any contractor or subcontractor to the City, pursuant to a direct service contract with the City, engaged in the work of a parking lot attendant, security guard, or child care worker at any public building or public parking facility owned by the City, or clerical support worker (the “Covered Workers”), shall be paid not less than a “living wage” as defined and determined under subsection (c).

(b) Contract specifications. The specifications for every direct service contract in excess of two thousand dollars (\$2,000.00) to which the City is a party which engages the work of Covered Workers shall contain a provision stating that the wages to be paid to Covered Workers shall be not less than the wage from time to time determined to be the living wage under subsection (c). Every contract based upon these specifications shall contain a stipulation that the contractor or subcontractor shall pay Covered Workers employed directly upon the site of the work the full amounts accrued at time of payment, computed at wage rates not less than those stated or referenced in the specifications, and any addenda thereto, on the date of the contract or the written purchase order for contract regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such workers. Increases in living wages subsequent to the date of the contract for a period not to exceed one (1) year shall not be mandatory on either the contractor or subcontractors. Future increases in living wages on contracts whose period of performance exceeds one (1) year shall be mandatory for the contractor and subcontractors only on the yearly anniversary date of the contract. In no event shall any increases in living wages over the amounts thereof as stated in such specifications result in any increased liability on the part of the city, and the possibility and risk of any such increase is assumed by all contractors entering into any such contract with the city. Decreases in living wages subsequent to the date of the contract shall not be permitted.

(c) Determination of living wage.

(1) The City Council hereby declares that it is in the best interests of the city to have a uniform determination of the wages to be paid to the various workers which will be required in the performance of work covered by this section.

(2) The City Council hereby finds and concludes that the federal government, in implementing the Community Services Block Grant Act (42 U.S.C. § 9902) and regulations thereunder, possesses superior resources to ascertain and establish the poverty guidelines used to assess eligibility for a variety of federal programs.

As used herein, the “living wage” shall equal the amount set forth as the poverty guideline for the 48 contiguous states and the District of Columbia for a family unit of four, updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. § 9902(2), divided by the number 2080.

(d) Mandatory contract provisions; enforcement.

(1) Every contract covered by this section shall contain a provision requiring the contractor and every subcontractor under such contract to pay every Covered Worker employed under such contract not less than the living wage provided for under subsections (b) and (c).

(2) Every such contract shall further provide that the contractor shall furnish to the City's auditor, upon the auditor's request, a true and correct copy of the payroll records of all Covered Workers employed under the contract, either by the contractor or subcontractors. Such payroll records shall include information showing the number of hours worked by each Covered Worker employed under the contract, the hourly pay of such worker, any deductions made from pay, and the net amount of pay received by each Covered Worker.

(3) The copy of the payroll record shall be accompanied by a sworn statement of the contractor that the copy is a true and correct copy of the payroll records of all Covered Workers working under the contract, either for the contractor or subcontractors, that payments were made to the Covered Workers as set forth in the payroll records, that no deductions were made other than those set forth in such records, and that all Covered Workers employed on work under the contract, either by the contractor or by any subcontractor, have been paid the living wages as set forth in the contract specifications.

(4) Every such contract shall further provide that the contractor shall post in a place which is prominent and easily accessible to Covered Workers the scale of wages to be paid to the Covered Workers.

(5) Every such contract shall further provide that if any worker employed by the contractor or any subcontractor under the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the City may, at its option, by written notice to the contractor, withhold further payment to the contractor, or suspend or terminate the contractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay the required wages. In the event of termination, the contractor shall be liable to the City for any excess costs occasioned the City thereby.

(e) Covered Workers; intent. The intent of this Division is to insure the payment of a living wage to certain categories of workers providing services exclusively to the City, pursuant to City service contracts. It is not the City's intent to impose wage requirements for (i) persons performing services which are only supportive of, or ancillary to, the services of Covered Workers; (ii) supervisory or management personnel; (iii) City concessionaires; (iv) the City's youth employment programs; or (v) persons subject to the provisions of Division 3 of Chapter 20 of the Revised Municipal Code.

(f) Reporting. The Mayor's Office of Employment and Training, in coordination with the Auditor, shall be authorized to assess on an annual basis the impact of this Division, and to report any findings to the Mayor and the City Council.

Sec. 20-81. Division constitutes part of all contracts.

The provisions of this division shall constitute a part of every contract of employment between every contractor or subcontractor and any Covered Worker.

Section 2. That, consistent with Section 1-10(c)(2) of the Revised Municipal Code, the codifier of this ordinance shall provide and make appropriate changes in catchlines, headings and titles of the Code to reflect accurately the amendments thereto indicated by this ordinance.

Section 3. That this ordinance shall be effective immediately upon its passage and publication, and shall apply to contracts or contract amendments entered into on or after that date.



## MEMORANDUM

To: Members of Parks and Recreation Advisory Board  
Members of Transportation Advisory Board  
Members of Open Space Board of Trustees  
Members of Downtown Management Commission  
Members of University Hill Commercial Area Management Commission  
Members of Downtown Boulder, Inc. Board  
Members of Human Relations Commission  
Members of Boulder Junction Access District Commissions

From: Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works  
David Driskell, Executive Director of Community Planning and Sustainability/Interim Housing Director  
Tracy Winfree, Director of Public Works – Transportation  
Karen Rahn, Director of Human Services  
Mike Patton, Director of Open Space and Mountain Parks  
Molly Winter, Director of Downtown and University Hill Management Division and Parking Services  
Jeff Dillon, Interim Director of Parks and Recreation  
Sandra Llanes, Senior Assistant City Attorney  
Marni Ratzel, Senior Transportation Planner  
Whitney Oftedahl, Parks and Recreation Marketing and Communications Specialist  
Lane Landrith, Downtown and University Hill Business Coordinator  
Andy Pelster, OSMP Land and Facilities Operations Supervisor  
Curtis Johnson, Police Commander  
Jennifer Bray, Communication Specialist III, Library and Arts and Parks and Recreation Departments  
Lisa Martin, Urban Parks Manager  
Eric M. Ameigh, Senior Project Manager

Date: May 29, 2014

**Subject: Information Item: Proposal for Smoking Ban on Selected City Properties**

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## **EXECUTIVE SUMMARY**

Boulder is a community with a long history of commitment to both health and quality of life. In early 2014, City Council reaffirmed these commitments by directing city staff to develop a proposal that would eliminate the possibility of outdoor second hand smoke in nearly all of the city's heavily used gathering spaces and recreational facilities. Staff has responded with a proposed ordinance that would ban smoking in city parks, recreation facilities, on city open space and mountain parks, along all multi-use paths, and in much of downtown Boulder. Feedback is being sought from boards and commissions in the areas affected by the proposed ordinance and a public hearing will be held at city council in the 4<sup>th</sup> quarter of 2014 with additional direction to be determined at that time.

## **FISCAL IMPACT**

Although an ordinance is enforceable without signage, staff believes at least some signage is desirable in order to educate visitors to the areas where smoking will be prohibited. Costs are being analyzed and may change as revisions are made to the proposed ordinance but, at this time, staff estimates the full cost of installed signage could surpass \$30,000.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: None identified.
- Environmental: The proposed smoking ban will reduce litter from cigarettes, resulting in a cleaner environment. It will also improve air quality for visitors and users of these properties and facilities.
- Social: Smoking prevention and cessation are public health and community goals and actions taken by the city in this area will improve health and quality of life in the community. Smokers who are currently accustomed to smoking on city properties or facilities will be inconvenienced and will have to seek out other places in which they can legally smoke.

## **BACKGROUND**

At a study session on Jan. 28, 2014, council provided staff with general direction to develop a proposal to ban smoking in parks, on open space, and in other public places that would further council's goal of making Boulder as healthy and as smoke free as possible. In addition, council directed staff to do its best to insure the proposed smoking ban would be enforceable. Staff was directed to take the eventual proposal to relevant boards and commissions before returning to council in the 4<sup>th</sup> quarter of 2014 for a public hearing and potential council action.

Exposure to secondhand smoke, indoors or outdoors, poses risk to an individual's health. The 2010 Surgeon General's Report on *How Tobacco Smoke Causes Disease* concluded that there is no safe or risk-free level of exposure to tobacco smoke. Secondhand smoke contains thousands of harmful compounds with nearly 70 toxic chemicals known to be cancer causing agents. These chemicals cause death and disease in both adults and children. In recent literature, studies have found outdoor secondhand smoke concentrations to be comparable to indoor concentrations in some conditions and levels can be higher outdoors depending on the number of smokers present,

how close to smokers an individual is, and certain weather conditions including wind direction and speed. Boulder County Public Health's Tobacco Education and Prevention Partnership staff are concerned with certain at-risk populations being exposed to tobacco smoke including pregnant women, youth, and immunocompromised individuals. Smoking bans in public places help ensure that secondhand smoke exposure is reduced for all residents and visitors enjoying the City of Boulder's public spaces.

Additionally, smoking and the effects of secondhand smoke lead to economic and personal impacts on individuals, and the public and private sectors, including increased health care costs, decrease quality of life, maintenance and clean up of property, degradation of waterways and fire hazards, among others. Smoking prevention and cessation are public health and community goals. Actions the city takes to improve the quality of life and health in our community should be pursued, understanding the impacts on some of our residents, and concurrently support should be provided for public outreach and education and information on community resources to support cessation and identify locations where smoking is allowed.

Social and economic factors influence decisions and behaviors that promote or threaten health. Among the many factors contributing to tobacco use, socioeconomic status is the single greatest predictor. Tobacco and poverty create a vicious cycle: low-income people smoke more, spend more, and die more from tobacco use.

As previously mentioned, at the 2014 City Council retreat, council asked staff to investigate and propose a plan for a ban on smoking in public places that would expand upon—and incorporate the lessons from—the smoking ban instituted in 2013 for the Pearl Street Mall and the Jan. 6, 2014 City Manager Rule banning smoking on the municipal campus (see Attachment A). Extensive background on anti-smoking efforts in Boulder and the Pearl Street Mall smoking ban can be found [here](#) and [here](#).

## **ANALYSIS**

### *General Considerations*

Staff considered the different mechanisms by which smoking could be banned. After internal discussions, it was clear that an ordinance was preferred over a City Manager rule because it is more easily enforceable by law enforcement personnel.

There was also a consideration of the various types of smoking devices, tobacco, and nicotine products that should or should not be included in the ban. Based on the complexity and uncertainty of regulating newer nicotine products such as e-cigarettes, the relative unobtrusiveness of other tobacco products such as chewing tobacco, and the practical realities of enforcement, it was determined that the proposed ban should apply only to smoking that requires ignition for use (e.g. cigarettes, cigars, pipes, etc.).

### *Open Space and Mountain Parks (OSMP)*

The staff recommendation is to ban smoking on all OSMP properties, including trails, without exception. A lack of second hand smoke will enhance the visitor experience and an absolute prohibition on smoking will help mitigate a potential fire hazard on OSMP properties. Designated public access points to OSMP currently provide the regulatory infrastructure necessary to notify users of the smoking ban.

### *Parks and Recreation*

The recommendation is to ban smoking on all city owned, maintained, and leased park land, park property, and recreation facilities with the exception of Flatirons Golf Course.

The management at Flatirons Golf Course felt certain that a smoking ban would lead to a decrease in revenue. Golf course smoking bans are almost unheard of in the state. According to staff research, there is only one golf course in Colorado that bans smoking and that is due to fire danger.

The city is working on a holistic approach to addressing a smoking ban with the Colorado Chautauqua Association (CCA) per the Stewardship Framework. The CCA “supports the parks being smoke free and desire that all of Chautauqua be smoke-free.” However, due to the challenges associated with the use of the leased area with private cottages, guests/rentals, and special events and concerts, the CCA cannot commit to a full smoking ban at this point. If the city were to enact a ban on smoking in the park only, it would be difficult for park and CCA users to understand where smoking is allowed or not due to the lack of physical property boundaries since the lease area is not defined by streets or structures.

### *Downtown*

The recommendation is to repeal the current ordinance banning smoking on the Mall and include it in the new ordinance in order to assist enforcement by keeping all the smoking regulations together. Anecdotally, it seems the Pearl Street Mall smoking ban has been seen as a successful initiative. The Police Department reported a spike in ticketing initially during the spring of 2013 and a steady decrease thereafter as awareness of the smoking ban increased. As such, an expansion of the smoking ban to other parts of downtown appears feasible, with the Business Improvement District boundaries as a logical and practical boundary. The business community, however, has made it clear that many of its employees are smokers and that accommodations should be made for them. Staff has determined that alleys, for which the Boulder Revised Code has a clear definition, can and should be exempted from the ban.

### *Multi-use Paths*

The recommendation is to ban smoking on all [multi-use paths](#) and within 15 feet on each side of a multi-use path. This is the most comprehensive way to enhance the user experience although there are a few factors to consider:

1. Some multi-use paths are also sidewalks, such as the east side of 28<sup>th</sup> St. between Arapahoe Rd. and Pearl St. and the north side of Arapahoe Rd. between Folsom St. and 55<sup>th</sup> St. The City publicizes sidewalks designated as multi-use paths on the [Map of Bike & Pedestrian Routes](#), [Map of Sidewalks for Biking & Skateboarding](#) and [Map of Boulder's Multi-Use Path Network](#). Additionally, these sidewalks are distinguished from regular sidewalks by signage.
2. Some stretches of multi-use paths are on University of Colorado “CU” property for which the city has an easement. The city will want to coordinate with CU to ensure enforceability. CU-Boulder is currently a smoke free campus with only a few areas that allow smoking. Therefore, it is expected that CU will support the smoking ban on all multi-use paths. The city and CU have an intergovernmental agreement in which city police can enforce local ordinances on CU (state owned) property.

### *Transit Facilities*

The city is coordinating with the Regional Transit District (RTD) on Boulder's proposed smoking policy. Transit stop locations are designated by signage and such signage is generally under the control of RTD. RTD is generally supportive of a smoking ban around its transit stops but would not support an ordinance that required RTD to create signage or engage in enforcement. RTD has a very limited security force whose primary focus is to deal with safety and security on mass transportation vehicles.

With respect to existing RTD mass transportation vehicles, RTD public buildings, and within 15 feet of entryways, RTD has posted no smoking signage in conformance with the Colorado Clean Indoor Air Act (state law C.R.S. 25-14-201, et seq.). RTD has no other smoking restrictions. Additionally, RTD signs the Transit Center at 14<sup>th</sup> St. and Walnut St. as a no smoking zone and RTD informational signage within bus shelters also includes the international No Smoking symbol.

The recommendation is to ban smoking within fifteen feet of all transit stop passenger waiting areas, including bus stop benches and shelters. Transit-related amenities on public streets such as benches and shelters are not always under RTD control, but maintained by the local jurisdiction. RTD recommends that additional signage be installed on these assets to assist with public information and enforcement of the no smoking policy. RTD is amenable to allowing signage at its stops of a mutually agreeable size and in a mutually agreed upon location. The signage would be furnished, installed and maintained by the city. RTD also would want to review the size and placement of any no-smoking signage produced by Boulder to ensure the message, along with RTD's signage regarding routes and services, are all clearly visible. Staff is exploring a decal displaying the international No Smoking symbol supplemented by "within 15 feet" to install on benches and shelters.

### *Leased Facilities*

The Dairy Center for the Arts, Boulder History Museum and BMoCA are already prohibited from smoking inside their buildings but they also support expanding the smoking ban to the surrounding property outside. The city is working on a holistic approach to addressing a smoking ban with the Colorado Chautauqua Association (CCA) per the Stewardship Framework. As explained above, the Chautauqua Park and lease area is not included in the smoking ban ordinance at this time.

### *Municipal Area Smoking Ban Rule*

The recommendation is to repeal the Rule and include it in the new ordinance in order to assist enforcement by keeping all the smoking regulations together.

### *Smoking Ban Enforcement*

The Police Department will begin enforcement with an education and warning period to inform individuals of the new areas covered by the ban. After a sufficient amount of time has passed and it can reasonably be assumed that the community understands where smoking is prohibited, officers will have the discretion to issue summons to people violating the ordinance. Officers will have individual discretion on whether they choose to issue a summons or give a warning at any time after the education period has ended. The Police Department will respond to complaints about smoking as call priorities allow and will proactively conduct enforcement when possible. This approach is fully consistent with the one taken in the enforcement of the Pearl

Street Mall smoking ordinance and the City Manager's rule regarding smoking on the municipal campus.

**NEXT STEPS**

4<sup>th</sup> Quarter: Public hearing at City Council. (Packet will be provided to relevant boards and commissions at that time.)

**ATTACHMENTS**

A: City Manager Rule Prohibiting Smoking on Municipal Campus

B: Draft Proposed Ordinance

C: Chautauqua Lease Area Map

D: BID Map

STANDARD (NON-EMERGENCY) RULE/REGULATION # 6-4-2 A. 14

SUMMARY OF REGULATION:

No person shall smoke, as defined in section 6-4-2, B.R.C. 1981, on the city municipal campus, which shall be defined as the entire area between the east curb line of 13<sup>th</sup> Street, to the east curb line of 9<sup>th</sup> Street and between the north curb line of Arapahoe Avenue and the south curb line of Canyon Boulevard, provided, however, that this rule shall not apply to moving vehicles on Broadway or 13<sup>th</sup> Street or to individuals smoking on real property that is privately owned.

This rule/regulation is established to:

Pursuant to the authority found in Charter Article V "Administrative Service", Section 6-4-10 "City Manager May Issue Rules" and Section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981; this rule is intended for the preservation of public safety, public health, property, vegetation, wildlife, signs, markers, buildings or other structures, and any object of scientific or historic value or interest; prohibition of conduct that may reasonably be expected to interfere substantially with the use and enjoyment of parks, parkways, recreation areas, and open space by the general public or that constitutes a nuisance; and maintenance of reasonable and necessary sanitation, health, and safety.

Authority: Charter Article V "Administrative Service", Section 6-4-10 "City Manager May Issue Rules", and Section 8-3-3 "City Manager May Issue Rules", B.R.C. 1981.

Rules approved as to form and legality by the City Attorney's office on 1/6/2014 (Date), by [Signature] (Manager/Delegate), City Attorney.

Proposed rules approved prior to publication by the City Manager or his/her delegate on Jan. 6, 2014 (Date) by N/A (Manager/Delegate), Director of N/A Department, as the City Manager's delegate.

Three copies of the approved rules filed with the city clerk and will become effective immediately on 1/6/2014 (Date).

Date of publication of notice of fifteen day (15) comment period in the Daily Camera 1/9/2014 (Date).

Approved by the City Manager or his/her delegate with/without change after considering public comment on 01-28-2014 (Date).

[Signature]  
City Manager/Delegate

Approved rules re-filed with the City Clerk and continued in effect on 1/28/2014 (Date).

Approved: [Signature]  
City Attorney

[Signature]  
Alisa D. Lewis

**\*\*\*NOTICE TO THE PUBLIC\*\*\***

The City Manager of the City of Boulder proposes to adopt a rule/regulation to

No person shall smoke, as defined in section 6-4-2, B.R.C. 1981, on the city municipal campus, which shall be defined as the entire area between the east curb line of 13<sup>th</sup> Street, to the east curb line of 9<sup>th</sup> Street and between the north curb line of Arapahoe Avenue and the south curb line of Canyon Boulevard, provided, however, that this rule shall not apply to moving vehicles on Broadway or 13<sup>th</sup> Street.

**Copies are available for public review at Central Records at the Municipal Building, 1777 Broadway 2nd floor.**

Written comment should be directed to Ann Large, City Manager's Office, 303-441-3090, City of Boulder, P.O. Box 791, Boulder, CO 80306.

For more information visit [www.bouldercolorado.gov](http://www.bouldercolorado.gov).

Adoption will be considered after the 15-day comment period.

STANDARD (NON-EMERGENCY) RULE/REGULATION

SUMMARY OF REGULATION:

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\_\_\_\_\_  
City Manager/Delegate

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For more information visit [www.bouldercolorado.gov](http://www.bouldercolorado.gov).

Adoption will be considered after the 15-day comment period.

# AFFIDAVIT OF PUBLICATION

## CAMERA

State of Colorado  
County of Boulder

I, the undersigned agent, do solemnly swear that the CAMERA is a daily newspaper printed, in whole or in part, and published in the City of Boulder, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Broomfield counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

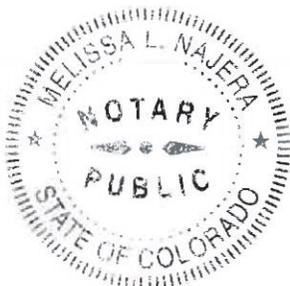
The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **January 9, 2014**.

  
Agent

Subscribed and sworn to before me this **9th** day of **January**,  
**2014** in the County of Boulder, State of Colorado.

  
Notary Public  
My commission expires 12/11/2014

ACCOUNT #:101172  
AD #5608934  
FEE: \$36.30



\*\*\*NOTICE TO THE PUBLIC\*\*\*  
Rule No. 6-4-2A.14

The City Manager of the City of Boulder proposes to adopt a rule/regulation to

No person shall smoke, as defined in section 6-4-2, B.R.C. 1981, on the city municipal campus, which shall be defined as the entire area between the east curb line of 13th Street, to the east curb line of 9th Street and between the north curb line of Arapahoe Avenue and the south curb line of Canyon Boulevard, provided, however, that this rule shall not apply to moving vehicles on Broadway or 13th Street.

Copies are available for public review at the City Clerk's Office at the Municipal Building, 1777 Broadway 2nd floor.

Written comment should be directed to Ann Large, City Manager's Office, 303-441-3090, City of Boulder, P.O. Box 791, Boulder, CO 80306.

For more information visit [www.bouldercolorado.gov](http://www.bouldercolorado.gov).

Adoption will be considered after the 15-day comment period.

Published in the Camera on January 9, 2014 - 5608934

OFFICE OF THE  
CITY ATTORNEY  
JAN - 6 2014

**STANDARD**

**Contract Routing Cover Sheet**

Please print and attach to your document

You can view the status of your contract using the [Contract Tracking Status Page](#).

<b>Routing Number</b>	20140102-9136		
<b>Originating Dept</b>	City Attorney		
<b>Contact Person</b>	Christy Hardin	<b>Phone Number</b>	303-441-3020
<b>Project Manager / Contract Administrator</b>	Sandra Lianes	<b>E-mail</b>	llaness@bouldercolorado.gov
<b>Counter Parties</b>	City of Boulder		
<b>Contract Title / Type</b>	No Smoking Rule		
<b>Number</b>			
<b>Description</b>	Smoking ban between the east curb line of 13th Street, to the east curb line of 9th Street and between the north curb line of Arapahoe Avenue and the south curb line of Canyon Boulevard, provided, however, that this rule shall not apply to moving vehicles on Broadway and 13th Street		
<b>Special Instructions</b>	Please send pdf of fully executed rule to Christy Hardin in CAO.		
<b>Amount</b>	0.00	<b>Expense Type</b>	OUTGOING

Dept. Head Signature *[Signature]*

**NOTE; Originating Department:** Identify with a check mark all areas document needs to be routed.

- Purchasing \_\_\_\_\_
- Budget \_\_\_\_\_
- Sales Tax \_\_\_\_\_
- CAO *[Signature]*
- City Manager \_\_\_\_\_
- Central Records \_\_\_\_\_

2014 JAN 29 PM 4:37  
 CITY OF BOULDER  
 CITY CLERK'S OFFICE  
 CENTRAL RECORDS

**Rule**  
 #6-4-2A.14  
 Deadline for Comments  
 1-24-2014



1 "Dwelling," as used in this chapter, means any place used primarily for sleeping overnight and  
2 conducting activities of daily living, not including a hotel or motel room or suite or bed and  
breakfast.

3 "Downtown Boulder Business Improvement District" is as depicted in Appendix 8-B of Chapter  
4 8-6.

5 "Enclosed area," as used in this chapter, means an area which contains a structure made up of a  
6 roof and two or more walls regardless of the composition of the walls or roof. This includes, but  
is not limited to, the following: park shelters, event tents, bus shelters, patio awnings and  
canopies.

7 "Entryway" means the outside of any doorway leading into and exiting from a building or  
8 enclosed area. "Entryway" also includes the area of public or private property within fifteen feet  
of the doorway.

9 "Mall" means the Downtown Boulder Mall as defined in Ordinance No. 4267, as amended by  
10 Ordinance No. 4543 and any successor ordinance.

11 "Public conveyance" means any motor vehicle or other means of conveyance licensed by the  
12 Public Utilities Commission of the state for the transportation of passengers for hire, and  
includes, without limitation, busses, taxicabs, limousine services, and airport passenger services.

13 "Smoke" or "smoking" means the lighting of any cigarette, cigar, or pipe or the possession of any  
14 lighted cigarette, cigar, or pipe, regardless of its composition.

15 "Tobacco product" means cigarettes, cigars, cheroots, stogies, periques, and other products  
16 containing any measurable amount of tobacco, granulated, plug cut, crimp cut, ready rubbed, and  
other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other  
17 chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other  
kinds and forms of tobacco.

18 "Tobacco store" means a retail business open to the public where alcohol is not sold, if more than  
19 eighty-five percent of its gross revenue from that location is from the retail sale of cigarettes and  
tobacco products or products related to the use of cigarettes and tobacco products.

20 "Transit Stop" as used in this chapter, means a public conveyance passenger waiting area  
21 designated by signage attached to a post and the public right of way around the stop, including  
but not limited to the bus shelter, and bench.

### 22 **6-4-3. Smoking Prohibited Within Buildings and Enclosed Areas.**

23 (a) No person shall smoke within any building or enclosed area except in one of the  
following locations:

- 24 (1) In any dwelling. This exception does not extend to a lobby, common elevator,  
25 common hallway or any other common area of a building containing attached  
dwelling units;

- 1 (2) In a hotel/motel room or bed and breakfast guest room rented to one or more  
2 guests if the total percentage of such smoking rooms in such hotel/motel or bed  
3 and breakfast does not exceed twenty-five percent. This exception does not extend  
4 to a lobby, common elevator, common hallway or any other common area of a  
5 hotel/motel or bed and breakfast;
- 6 (3) In a tobacco store;
- 7 (4) In a cigar-tobacco bar which existed as of December 31, 2005, provided that it  
8 does not expand its size or change its location from the size and location in which  
9 it existed as of December 31, 2005;
- 10 (5) In a building or on property which is occupied by the state of Colorado, the  
11 United States government, Boulder County or the Boulder Valley School District  
12 which was not designated as a smoke free area by the manager of such area. The  
13 city council urges such governmental entities to designate smoke free areas in  
14 order to promote full access by the public and protect the health of employees;
- 15 (6) In private homes, private residences and private automobiles; not to include any  
16 such home, residence or vehicle being used for child care or day care or a private  
17 vehicle being used for the public transportation of children or as part of health  
18 care or day care transportation; or
- 19 (7) In a limousine under private hire.
- 20 (b) Unless excepted under subsection (a) of this section, the prohibitions of this chapter apply  
21 to all buildings or enclosed areas which serve as places of work, but this subsection (b)  
22 neither enlarges nor diminishes the meaning of subsection (a) of this section.
- 23 (c) Nothing in this chapter shall prevent an owner, lessee, principal manager or person in  
24 control of any place, including, without limitation, any motor vehicle, outdoor area or  
25 dwelling, from prohibiting smoking completely in such place, and no person shall fail to  
abide by such a private prohibition.

19 **6-4-3.5. Smoking Prohibited in Public Areas.**

20 No person shall smoke:

21 (a) in the Downtown Boulder Business Improvement District including the Mall but  
excluding alleys;

22 (b) on any city owned or maintained park, parkland, or facility other than Flatirons Golf  
Course or Chautauqua unless otherwise prohibited by a sign;

23 (c) on any city property leased to others, or city owned or maintained property that is  
maintained by the Parks and Recreation Department, other than Chautauqua;

24 (d) on any open space and mountain parks property;

1 (e) on any trail, path or multi-use path and within fifteen feet of curtilage to any trail, path or  
2 multi-use path;

3 (f) within twenty-five feet of a library facility;

4 (g) within fifteen feet of a transit stop; and

5 (h) within the City Municipal Campus.

6 **6-4-4. Smoking Prohibited in Public Conveyances.**

7 No person shall smoke in any public conveyance.

8 **6-4-5. Smoking Areas in Cigar-Tobacco Bars.**

9 (a) The owner, lessee, principal manager or person in control of a cigar-tobacco bar may  
10 designate one smoking area of no more than fifty percent of the square footage of the  
11 floor area of the establishment which is open to the public so long as it meets all of the  
12 following criteria:

13 (1) It is independently ventilated from the non-smoking areas;

14 (2) It is physically separated from the non-smoking areas;

15 (3) A designated smoking area under this section may not include any waiting area,  
16 lobby, hallway, elevator, restroom, or area adjacent to a self-service food line or  
17 cash register, and such areas shall also be excluded from the calculation of the  
18 square footage of floor area under this subsection;

19 (4) Any service or amenity which the establishment chooses to provide to patrons,  
20 other than smoking, shall at all times be at least as available in the non-smoking  
21 majority portion of the establishment as in the designated smoking area. This  
22 requirement includes, without limitation, live entertainment and games; and

23 (5) The city manager may make reasonable rules interpreting the terms independently  
24 ventilated and physically separated and specifying ventilating and construction  
25 measures which will accomplish these goals.

(b) No owner, lessee, principal manager or person in control of a cigar-tobacco bar which  
designates a smoking area shall fail to maintain it in accordance with the requirements of  
this chapter.

(c) Independently ventilated shall mean that the ventilation system for the area in which  
smoking is permitted and the ventilation system for any nonsmoking area do not have a  
connection which allows the mixing of air into the smoking and nonsmoking areas.

(d) Physically separated means that there are physical barriers such as walls and doors  
extending from floor to ceiling that prohibit smoke from entering a nonsmoking area.

1 **~~6-4-5.5 Smoking Prohibited on the Mall.~~**

2 ~~No person shall smoke on the Mall.~~

3 **6-4-6. Signs Required to Be Posted.**

4 To advise persons of the existence of "No Smoking" or "Smoking Permitted" areas, no owner,  
5 lessee, principal manager or person in control of a building, enclosed area or an establishment  
6 within a building shall fail to post signs with letters no less than one inch high or symbols no less  
7 than three inches high as follows:

- 8 (1) Where smoking is prohibited in the entire establishment, a sign using the words  
9 "No Smoking" or the international no-smoking symbol shall be posted  
10 conspicuously either on all public entrances or in a position clearly visible on  
11 entry into the building, enclosed area or establishment.
- 12 (2) Where certain areas are designated as smoking areas pursuant to this chapter, a  
13 sign using the words "No Smoking Except in Designated Areas" shall be posted  
14 conspicuously either on all public entrances or in a position clearly visible on  
15 entry into the building or establishment.
- 16 (3) In tobacco stores, a sign shall be posted conspicuously either on all public  
17 entrances or in a position clearly visible on entry into the building or  
18 establishment using the words "Smoking Permitted: children under eighteen years  
19 of age must be accompanied by a parent or guardian."
- 20 (4) A sign using the words "No Smoking within fifteen feet of the entryway" shall be  
21 posted conspicuously on all entryways of buildings, enclosed areas or  
22 establishments.
- 23 (5) The requirements of this section do not apply to an exempt dwelling or any public  
24 areas listed in section 6-4-3.5.

18 **6-4-7. Additional Responsibilities of Proprietors.**

- 19 (a) No owner, lessee, principal manager, or person in control of a building or establishment  
20 shall fail to:
  - 21 (1) Ask smokers to refrain from smoking in any smoke free area;
  - 22 (2) In a cigar-tobacco bar, affirmatively direct smokers to designated smoking areas;  
23 and
  - 24 (3) Use any other means which may be appropriate to further the intent of this  
25 chapter.
- (b) No owner, principal manager, proprietor or any other person in control of a business shall  
fail to ensure compliance by subordinates, employees and agents with both the

1 restrictions on sale and display of tobacco products contained in section 6-4-8,  
2 "Restrictions on Sale and Display of Tobacco Products," B.R.C. 1981, and the  
3 restrictions on smoking within fifteen feet of any entryway contained in section 6-4-9,  
4 "Entryway," B.R.C. 1981.

5 **6-4-8. Restrictions on Sale and Display of Tobacco Products.**

- 6 (a) No person shall furnish to any person who is under eighteen years of age, by gift, sale or  
7 any other means, any tobacco product. Before selling to any individual any cigarette or  
8 tobacco product, a person shall request from the individual and examine a government  
9 issued photographic identification that establishes that the individual is eighteen years of  
10 age or older; except that, in face to face transactions, this requirement shall be waived if  
11 the individual appears older than thirty years of age.
- 12 (b) No person shall sell or offer to sell any tobacco product by use of a vending machine.
- 13 (c) No person shall stock or display, or sell from a stock or display, tobacco products in a  
14 business which sells such products at retail in a manner which makes them accessible to  
15 customers without the assistance of an employee. This subsection requires a direct, face-  
16 to-face exchange of the tobacco product from an employee to the customer.
- 17 (d) No person shall distribute any tobacco product with-out charge in any public place or at  
18 any event open to the public for the purpose of promotion or advertising. No person shall,  
19 in any public place or at any event open to the public, distribute any coupon or similar  
20 writing which purports to allow the bearer to exchange the same for any tobacco product,  
21 either free or at a discount.
- 22 (e) No person shall sell tobacco products except cigars or pipe tobacco in any form or  
23 condition other than in the packaging provided by the manufacturer.
- 24 (f) No person shall sell cigarettes except in packs of twenty or more cigarettes per pack.
- 25 (g) It is an affirmative defense to a charge of violating subsection (a) of this section that the  
person furnishing the tobacco product was presented with and reasonably relied upon a  
document which identified the person receiving the prohibited items as being eighteen  
years of age or older.
- (h) It is a specific defense to a charge of violating subsection (b) of this section that the  
vending machine was located in a place of work not open to the public where persons  
under eighteen years of age are not permitted access.
- (i) It is a specific defense to a charge of violating subsection (c) of this section that the store  
was a tobacco store and no person under the age of eighteen years was within the  
premises unless actually accompanied by a parent or legal guardian. A tobacco store may  
use self-service displays of tobacco products so long as it is within the terms of this  
specific defense.

1 (j) It is a specific defense to a charge of violating subsection (c) of this section that the  
2 tobacco product was a cigar or pipe tobacco in a locked walk-in humidor, entry into  
3 which by the customer required the assistance of an employee and no person under  
4 eighteen years of age was in the humidor.

5 (k) Monitoring by employee.

6 (1) It is a specific defense to a charge of violating subsection (c) of this section that  
7 the tobacco product was a cigar or pipe tobacco in a walk-in humidor which was  
8 visually monitored by an employee and no person under eighteen years of age  
9 was in the humidor.

10 (2) This defense shall not apply if there have been three convictions of violation of  
11 subsection (c) of this section involving the business within any thirty-six month  
12 period, based on the dates of the offenses, and the most recent conviction became  
13 final no more than five years before the pending violation.

14 **6-4-9. Entryway.**

15 (a) No person shall smoke within any entryway of a building, enclosed area or common  
16 entrance to a multifamily dwelling, except a single family dwelling.

17 (b) No owner, principal manager, proprietor or any other person in control of a business shall  
18 fail to ensure compliance of this section by subordinates, employees and agents.

19 **6-4-10. City Manager May Issue Rules.**

20 (a) The city manager may adopt rules regarding the prohibition of smoking pursuant to  
21 Chapter 1-4, "Rulemaking," B.R.C. 1981.

22 (b) The city manager may adopt rules and regulations that the manager determines are  
23 reasonably necessary to implement the requirements of this chapter.

24 **Section 2.** [\*\*\*\*], B.R.C. 1981, is amended to read:

25 **Section 3.** This ordinance is necessary to protect the public health, safety, and welfare of  
the residents of the city, and covers matters of local concern.

**Section 4.** The city council deems it appropriate that this ordinance be published by title  
only and orders that copies of this ordinance be made available in the office of the city clerk for  
public inspection and acquisition.

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

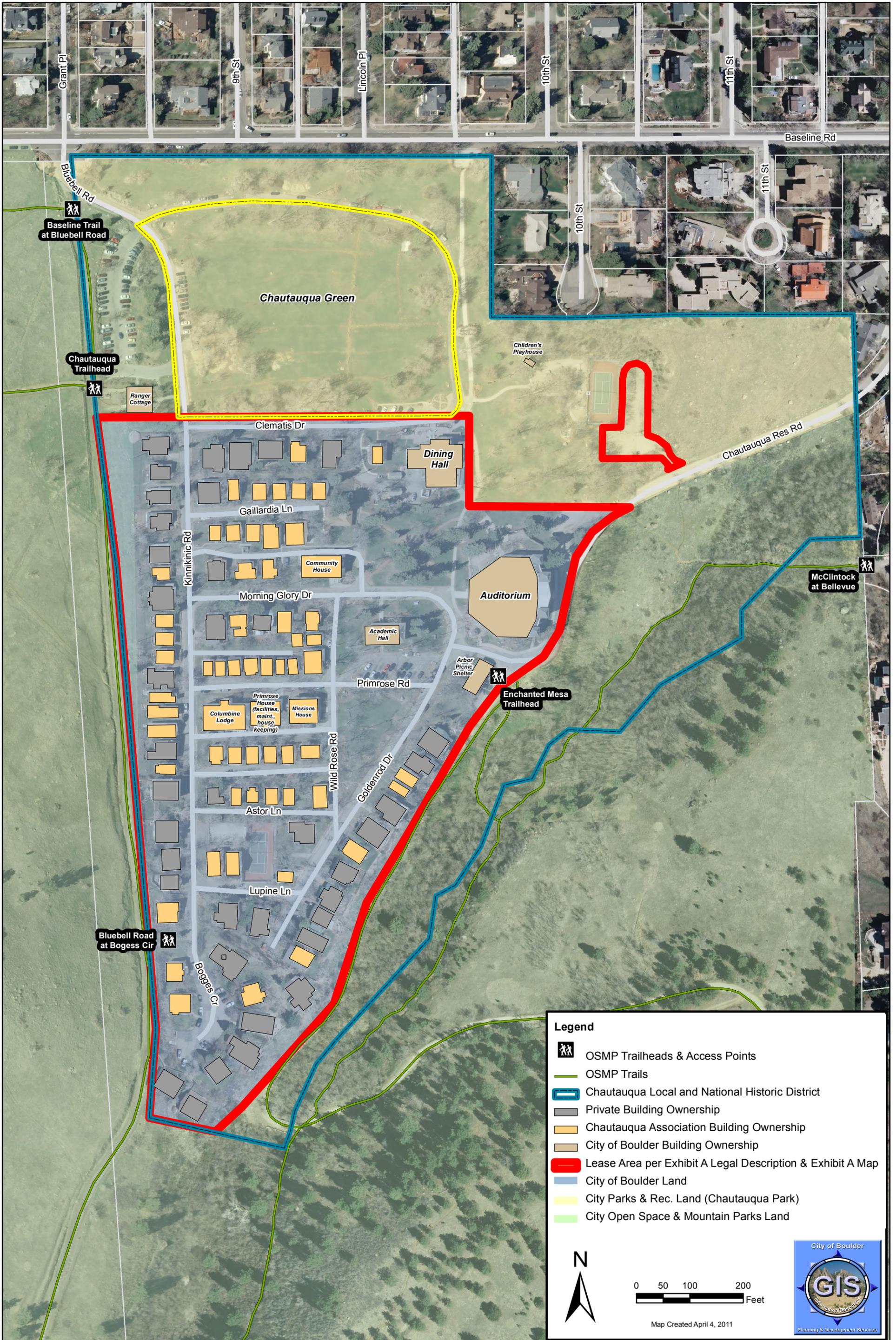
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

# Chautauqua Map

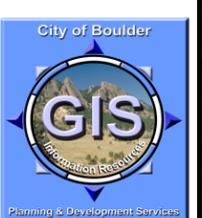


- Legend**
- OSMP Trailheads & Access Points
  - OSMP Trails
  - Chautauqua Local and National Historic District
  - Private Building Ownership
  - Chautauqua Association Building Ownership
  - City of Boulder Building Ownership
  - Lease Area per Exhibit A Legal Description & Exhibit A Map
  - City of Boulder Land
  - City Parks & Rec. Land (Chautauqua Park)
  - City Open Space & Mountain Parks Land



0 50 100 200  
Feet

Map Created April 4, 2011



Pine St

Spruce St

Pear St

Walnut St

Canyon Blvd

Broadway

10th St

11th St

13th St

14th St

15th St

16th St

17th St

18th St

19th St

20th St



BID

