

INITIATIVE PETITION

To: City Council
City of Columbia
Columbia, Missouri

We, the undersigned, being duly qualified electors of the City of Columbia, County of Boone, State of Missouri, do present this Petition and respectfully request that the following proposed ordinance of the City of Columbia, Missouri, be submitted to a vote of the people of the City of Columbia if not passed by the council.

The proposed ordinance is as follows:

AN ORDINANCE

Amending Chapter 11 of the Code of Ordinances of the City of Columbia, Missouri, by revising portions of Article IX relating to smoking in public places; and fixing the time when this ordinance shall become effective.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF COLUMBIA, MISSOURI AS FOLLOWS:

SECTION 1. Section 11-290 of the Code of Ordinances of the City of Columbia, Missouri relating to SMOKING IN PUBLIC PLACES is repealed in its entirety and replaced in its entirety with the following:

“Section 11-290. Restrictions.

Except as provided in this article, the possession of lighted smoking materials is unlawful in any of the following places used by or open to the public or serving as a place of work:

- (1) Any commercial establishment including, but not limited to, retail stores, banks, office buildings and offices;
- (2) Any public transportation vehicle including, but not limited to, buses, limousines for hire, and taxicabs;
- (3) Restrooms;
- (4) Libraries, educational facilities, day care facilities, museums, auditoriums, and art galleries;
- (5) Any indoor public area of a health care facility, health clinic, or ambulatory care facility including, but not limited to, laboratories associated with the rendition of health care treatment, hospitals, rest

- rooms, nursing homes, long-term care facilities and offices of health professionals;
- (6) Any indoor place of entertainment or recreation including, but not limited to, gymnasiums, theatres, concert halls, bingo halls, arenas, and swimming pools;
 - (7) All public areas and waiting rooms of public transportation facilities including but not limited to bus and airport facilities;
 - (8) Any other enclosed areas serving as a place of work or used by the public including open office landscaping and shopping malls;
 - (9) Rooms in which meetings or hearings open to the public are held, except where such rooms are in a private residence;
 - (10) Anywhere in any building owned or managed by the city;
 - (11) Within twenty (20) feet of an entrance to any structure in which smoking is prohibited or limited by this article. This subsection shall not apply to any person in a motor vehicle or to any person merely passing by an entrance to a structure;
 - (12) The seating areas and enclosed spaces of any stadium, outdoor arena or athletic field.”

SECTION 2. Section 11-291 of the Code of Ordinances of the City of Columbia, Missouri relating to smoking in public places is repealed in its entirety and replaced in its entirety with the following:

“Section 11-291. Exemptions.

- (a) Except as otherwise provided in subsection (b), the restrictions of this article shall not apply to:
 - (1) An entire room or hall which is used for private social functions, provided that the room or hall has a separate ventilation system or negative pressure vented to the outside and provided that no employees of the establishment are exposed to smoke;
 - (2) A private, enclosed office that has a ventilation system that is not shared with non-smoking offices and that is occupied exclusively by smokers. This exemption does not apply to offices that are visited by members of the public or by non-smoking employees of the business. This exemption shall not be construed to permit smoking in the reception

areas of lobbies or offices or in any building owned or managed by the city with the exception of airport buildings that are leased or owned by private commercial enterprises. This exemption does not permit individuals to smoke in hazardous areas that may exist within any buildings;

- (3) Performers upon the stage, provided that the smoking is part of a theatrical production;
- (4) Retail stores which are used primarily to sell tobacco products and accessories and in which the sale of other products is merely incidental;
- (5) Restaurants which seat fewer than fifty (50) persons and which conspicuously post notice that non-smoking areas are unavailable;
- (6) Bars, taverns, lounges;
- (7) Membership associations that meet the following criteria:
 - a. The association is a private, not for profit organization formed before April 1, 2006; and
 - b. The association is organized primarily for the benefit of its members; and
 - c. Association members pay dues; and
 - d. The association is managed and operated by the board consisting entirety of its own members; and
 - e. The association is organized primarily as a recreational, fraternal, athletic, military veteran, religious or kindred association; and
 - f. The association is not primarily engaged in preparing and serving food or alcoholic beverages by the drink; and
 - g. All operational duties of the association, other than professional duties, are performed by members of the association who are not compensated for performing such duties.
 - h. This exemption shall not apply to any activities to which the general public is invited.
- (8) Patio areas of any restaurant, bar or other commercial establishment designated by the owner or operator of the business as a smoking area; provided, that no more than fifty percent (50%) of the patio area shall be designated as a smoking area and no area shall be designated as a smoking area if it must be crossed to obtain access to a nonsmoking area or a restroom.

State of Missouri)
)
County of Boone) ss

I, _____, being first duly sworn upon oath state as follows: That I circulated the foregoing Initiative Petition, that I believe each of the above-signers to be a legal voter of the City of Columbia, Missouri, that I believe each signature appended to the Petition is the genuine signature of the person whose name it purports to be and that all of the above _____ signatures were affixed in my presence.

Signature

Address

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 2007.

_____, Notary Public

(SEAL)