



## Legislation Details (With Text)

**File #:** 0344-2005      **Version:** 1

**Type:** Ordinance      **Status:** Defeated

**File created:** 2/11/2005      **In control:** Rules & Reference Committee

**On agenda:** 2/28/2005      **Final action:** 2/28/2005

**Title:** To enact the ordinance proposed by Initiative Petition entitled "Ordinance amending Columbus City Code chapter 715.03 to exempt certain businesses which serve intoxicating beverages from the City of Columbus Smokefree Indoor Air Act of 2004"

**Sponsors:** Matthew D. Habash

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/28/2005	1	Columbus City Council	Approved	Fail
2/14/2005	1	Columbus City Council	Read for the First Time	
2/11/2005	1	CITY ATTORNEY	Reviewed and Approved	
2/11/2005	1	Council Drafter	Sent to Clerk's Office for Council	
2/11/2005	1	Council Drafter	Sent for Approval	
2/11/2005	1	CITY CLERK (approver)	Reviewed and Approved	

To enact the ordinance proposed by Initiative Petition entitled "Ordinance amending Columbus City Code chapter 715.03 to exempt certain businesses which serve intoxicating beverages from the City of Columbus Smokefree Indoor Air Act of 2004"

Be it ordained by the people of the city of Columbus:

**Section 1.** That Section 715.03 of the Columbus City Code, entitled "Areas where smoking is not regulated by this Chapter", reads as follows:

"Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the prohibitions in Section 715.02:

(A) Private residences, except if used as a licensed child care, adult day care, or health care facility, or if a person uses a private residence in any way otherwise qualifying that private residence as a place of employment; provided, however, that private residences are exempt from this chapter to the extent that the person providing services is providing housecleaning, home maintenance, cable or telephone repair or personal care services in the private residence.

(B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty (20) percent of rooms rented to guests in a hotel or motel may be so designated.

(C) Family-owned and operated businesses in which all employees are related to the owner, and offices of self-employed persons in which all employees are related to the self-employed person, but only if the enclosed areas these businesses and offices occupy are not open to the public, are not in the same building with other enclosed areas subject to this regulation, and smoke from these businesses and offices does not infiltrate into enclosed areas where smoking is prohibited under the provisions of this chapter.

(D) Any home, as defined in Section 3721.10 (A) of the Ohio Revised Code, but only to the extent necessary to comply with R.C. 3721.13(A) (18) and rules promulgated according to that section.

(E) Retail tobacco stores as defined in Section 715.01 (L) of this chapter in operation prior to the effective date of this ordinance. Any new retail tobacco store or any existing retail tobacco store that relocates to another site may only qualify for this exemption if located in a freestanding structure.

(F) Outdoor patios as defined in Section 715.01 (M) of this chapter. If the outdoor patio has a structure capable of being enclosed by walls, covers, solid surface fencing, or tents, the space will be considered enclosed when the walls, covers, fences, or tents are in place. All outdoor patios shall be physically separated from an enclosed area. If sliding or folding windows or doors or other windows or doors form any part of the border to the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If sliding or folding windows or doors or other windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in Section 715.01 (N) of this chapter provided that all the following apply:

(1) That there are no nonmembers present; and

(2) That the private club is the holder of a valid D-4 liquor permit pursuant to R. C. 4303.17 if alcoholic beverages are to be served. (Ord. 1095-04 Section 1 (part))."

**Section 2.** That the said Section 715.03 of the Columbus City Code be repealed and that the following Section 715.03, as quoted hereinbelow, also entitled "Areas where smoking is not regulated by this Chapter", be and hereby is enacted:

"715.03 Areas where smoking is not regulated by this Chapter.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the prohibitions in Section 715.02:

(A) Private residences, except if used as a licensed child care, adult day care, or health care facility, or if a person uses a private residence in any way otherwise qualifying that private residence as a place of employment; provided, however, that private residences are exempt from this chapter to the extent that the person providing services is providing housecleaning, home maintenance, cable or telephone repair or personal care services in the private residence.

(B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty (20) percent of rooms rented to guests in a hotel or motel may be so designated.

(C) Family-owned and operated businesses in which all employees are related to the owner, and offices of self-employed persons in which all employees are related to the self-employed person, but only if the enclosed areas these businesses and offices occupy are not open to the public, are not in the same building with other enclosed areas subject to this regulation, and smoke from these businesses and offices does not infiltrate into enclosed areas where smoking is prohibited under the provision of this chapter.

(D) Any home, as defined in Section 3721.10 (A) of the Ohio Revised Code, but only to the extent necessary to comply with R. C. 3721.13 (A) (18) and rules promulgated according to that section.

(E) Retail tobacco stores as defined in Section 715.01 (L) of this chapter in operation prior to the effective date of this ordinance. Any new retail tobacco store or any existing retail tobacco store that relocates to another site may only qualify for this exemption if located in a freestanding structure.

(F) Outdoor patios as defined in Section 715.01 (M) of this chapter. If the outdoor patio has a structure capable of being enclosed by walls, covers, solid surface fencing, or tents, regardless of the materials or the removable nature of the walls, covers, solid surface fencing, or tents, the space will be considered enclosed, when the walls, covers, fences, or tents are in place. All outdoor patios shall be physically separated from an enclosed area. If sliding or folding windows or doors or other windows or doors form any part of the border to the outdoor patio, the opening shall be closed to prevent the migration of smoke into the enclosed area. If sliding or folding windows or doors or other windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in Section 715.01 (N) of this chapter provided that all of the following apply:

(1) That there are no nonmembers present; and

(2) That the private club is the holder of a valid D-4 liquor permit pursuant to R. C. 4303.17 if alcoholic beverages are to be served. (Ord. 1095-04 Section 1 (part)."

(H) Businesses which generate sixty-five percent (65%) or more of their annual gross revenues from the sale of intoxicating beverages for on-premises consumption."

Section 3. That this ordinance shall take effect from and after the earliest period allowed by law.