

The City of Golden - Where the West Breathes Easier!

Information About Golden's Smoke/Vapor-Free Public Places Ordinance

The City of Golden's new Smoke/Vapor Free Public Places ordinance protects the health, welfare, and safety of citizens by limiting secondhand exposure to the harmful chemicals created by smoking and the use of electronic smoking devices ("vaporizers" and e-cigarettes). The U.S. Surgeon General states there is no safe level of exposure to secondhand smoke and that even brief exposure can be harmful to health.¹ Though much is still unknown about the effects of secondhand vapor exposure, the aerosol emitted by the user of an e-cigarette has been shown to contain high levels of ultra-fine particles associated with respiratory and vascular ailments, as well as toxic chemicals known to cause cancer.² Ordinance # 1985 goes into effect January 1, 2015 in order to reduce exposure to secondhand smoke and vapor in certain public places in Golden.

As of January 1, 2015, the following areas will be smoke-free and vapor-free:

- Downtown Golden – both sides of the street on Washington Avenue between 10th and 14th Streets and on 12th and 13th Streets between Ford and Arapahoe Streets;
- Within 25 feet of all outdoor seating areas of any business in Golden, including bars and restaurants, when located on a public right of way (such as sidewalks, streets and alleys);
- All City owned and operated parks/trails, open space, indoor/outdoor pool areas, sports fields and spectator areas;
- Fossil Trace Golf Course, excluding the fairway;
- All public transit waiting areas;
- Events in any non-residential zone requiring a City-issued special events permit.

The City Manager or his/her designee may permit smoking areas at his/her discretion in certain outdoor public areas or during certain events requiring a City-issued event permit.

References:

1 US Department of Health and Human Services; 2006; *Health Consequences of Involuntary Exposure to Tobacco Smoke: a Report of the Surgeon General*; Centers for Disease Control and Prevention, Atlanta, GA.

2 Electronic (e-) Cigarettes and Secondhand Aerosol Exposure – 2/2014 fact sheet on the scientific studies of e-cigarette aerosol provided by Americans for Non-Smokers' Rights; accessed at <http://www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf>

Frequently Asked Questions

Answers to some commonly asked questions about Ordinance #1985 are listed below.

How will this ordinance apply to my business? If your business is already required to be smoke-free, the new provisions in Ordinance #1985 will apply. The smoke-free perimeter of the main entrances of businesses/facilities that are currently smoke-free will be expanded from 15 to 25 feet. The smoke-free entryway must also be vapor-free. These changes will go into effect starting January 1, 2015.

Does the smoke/vapor-free entryway expansion apply to downtown businesses as well? The downtown area of Golden will be a smoke-free zone inclusive of and extending beyond the main business entryways starting January 1, 2015. The smoke/vapor-free zone includes both side of Washington Avenue between 10th and 14th Streets and both sides of 12th and 13th Streets between Ford and Arapahoe Streets.

Does the ordinance include pipes, cigars and other smoked or vaporized substances? Yes. Smoking any form of tobacco and the use of an electronic smoking device to ingest any substance are not allowed in the smoke/vapor-free areas specified in the ordinance. Use of Food and Drug Administration-approved vaporizers, such as inhalers, is permitted in these areas, however.

What do I need to do now? We are asking that every business put up the signage included in this packet as well as inform your employees about the new smoke/vapor free City ordinance that will go into effect January 1, 2015. This FAQ sheet may help with informing your employees and additional signage may be downloaded from the City of Golden website (www.cityofgolden.net).

Is smoking now a crime? What are the penalties for persons found violating the new City ordinance? Smoking is not a crime, however limitations are being placed on where someone may legally smoke. Smoking and vaporizing where not permitted could result in an administrative citation, which is not a criminal offense. An administrative fine could be issued which ranges from \$50 for a first offense to \$150 for a third or subsequent offense.

Where can employees and others smoke? Smoking and use of electronic smoking devices can occur anywhere outside a designated no-smoking/vaping zone. Because there is no safe level of secondhand smoke, we encourage you to help your employees and customers who want to take a smoke or e-cigarette break to find a safe area away from others and at a distance sufficient to reduce smoke and vapor drift into areas where others are gathered or walking. (Suggested distance from others is at least 25 feet.)

I have a seating area behind my business. Will that be smoke/vapor-free under the new ordinance? If the seating area is located on a public right of way (public sidewalk, alley, street, etc.), it would need to be smoke/vapor-free, and the 25 foot zone around the seating area must be smoke/vapor-free as well. If this does not apply to your business, the ordinance permits you to voluntarily designate your outdoor seating areas and other outdoor areas of your business as

“smoke/vapor-free” by posting appropriate signage. If you have questions or want assistance with designating additional areas smoke/vapor-free, contact Jefferson County Public Health at 303-275-7555 for assistance.

Can I be issued a citation if someone is smoking or using e-cigarettes on my business property?

Only individuals smoking or vaporizing will be subject to a citation, businesses are not subject to a citation. Businesses are, however, encouraged to safeguard the health of their customers and employees by discouraging smoking/vaporizing where it is prohibited.

What help is being provided to comply with the ordinance? The City of Golden and Jefferson County Public Health will be assisting businesses by providing needed signage, support, and information to address questions regarding the ordinance. Information is also available to those who have questions about smoking, use of e-cigarettes, other forms of tobacco use, secondhand smoke and vapor exposure, and where to get help for recovery from tobacco use.

What if a customer or my employee says they have a vaporizer that they need to use medical purposes? If the device is not a Food and Drug Administration (FDA)-approved device for the delivery of a pharmaceutical medication (i.e., an asthma inhaler), the person needs to find an area where smoking/vaporizing is permitted in order to use the device. Additionally, smoking/vaporizing of medical or recreational marijuana in any public area is prohibited by City and State law.

How do I approach a person smoking/vaporizing in an area that’s smoke/vapor free under the ordinance? If the situation feels safe, you can respectfully point to no smoking/vaporizing signs or let the person know that the City has a law which makes the area smoke/vapor-free. If there is any risk to you or others’ safety, or the person continues to smoke/vaporize in a restricted area, move away from the area/person and please call the Golden Police Department’s non-emergency number at 303-384-8045.

What about my employee entrance(s)? Are they included as smoke/vapor-free areas under the new ordinance? Employee entrances must be smoke/ vapor-free if they are located on Washington Avenue between 10th and 14th Streets or on 12th/13th Streets between Ford and Arapahoe. Also, if an employee entrance is also considered a “main entrance”, then it must have a smoke/vapor free perimeter of 25 feet from the entrance.

What resources can I offer my employees if they want to more about quitting tobacco? Anyone can find assistance to help with quitting tobacco at: 1-800- QUIT-NOW, www.coquitline.org, or by visiting www.tobaccofreeco.org.