

AN ORDINANCE AMENDING SECTION 14-98(1)(d) OF THE CODE OF ORDINANCES RELATED TO SMOKING INDOORS TO PROHIBIT SMOKING ELECTRONIC SMOKING DEVICES IN A RETAIL TOBACCO STORE; AMENDING SECTION 14-98(1)(g) OF THE CODE OF ORDINANCES RELATED TO SMOKING INDOORS TO PROHIBIT SMOKING OF TOBACCO PRODUCTS IN A RETAIL ELECTRONIC CIGARETTE STORE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 14-98 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

Sec. 14-98. Same—Prohibition; exceptions.

(1)

No person shall smoke within any building or any establishment therein, that is open to the public, or any workplace. No person shall smoke within any public transportation vehicle, including buses and taxicabs, nor within any ticket, boarding and waiting area of public transportation buildings enclosed overhead by a roof. The prohibition does not apply to the following locations, provided that smoke does not infiltrate into areas where smoking is prohibited under the provisions of sections 14-97 to 14-104

(a)

Any dwelling. This exception also extends to a business located in the dwelling and owned or leased by the occupant living in the dwelling; provided, however, that the business is not operating as a child care, adult day care, or health care facility. This exception does not extend to a lobby, common elevator, common hallway, or any other common area of a building containing attached dwelling units or hotel or motel rooms. If a hospital, hospice, or nursing home permits smoking in its dwelling rooms, smoking is not allowed in any room shared with another person without that person's consent.

(b)

A rental room or hall being used by a person or group for a private social function that is not open to the public.

(c)

Any room used for psychological treatment of nicotine addiction by a licensed health care professional, or in a physically separate and independently ventilated room in a hospital, hospice, or nursing home open to all residents as a smoking room and for no other purpose.

(d)

A retail tobacco store, to the extent no electronic smoking device shall be smoked inside the store.

(e)

A theatrical production by a performer as part of the performance so long as adequate notice is provided patrons both before the performance and by specific signage at the theater.

(f)

A building operated or used by a private organization, provided that the building is not open to the public.

(g)

A retail electronic cigarette store, to the extent no tobacco product shall be smoked inside the store.

(2)

Nothing in this chapter shall prevent an owner, lessee, principal manager or person in control of any building or establishment therein, or any other place, including, without limitation, any motor vehicle, outdoor area, or dwelling, from prohibiting smoking completely in any such place.

(3)

Nothing in this chapter shall authorize smoking in any place where it is otherwise prohibited by statute, ordinance, regulation or by order of the fire marshal.

(4)

All buildings or vehicles owned, leased, operated by or under the jurisdiction of the Lexington-Fayette Urban County Government or any unit thereof shall be subject to the provisions of sections 14-97 to 14-104 unless the Lexington-Fayette Urban County Government Council adopts a written policy pursuant to KRS 61.165(3) (a) or (b), in which event the written policy shall apply to the extent KRS 61.165(3) is controlling.

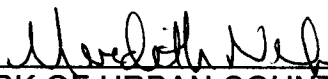
Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 11, 2015

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: June 18, 2015-1t