

**CITY OF NORMAN
ORDINANCE O-2425-11**

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** “ARTICLE 16-V TOBACCO” of the City of Norman Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

ARTICLE 16-V TOBACCO

AFTER AMENDMENT

ARTICLE 16-V ~~TOBACCO~~ SMOKING IN PUBLIC PLACES

SECTION 2: **AMENDMENT** “16-501 Purpose” of the City of Norman Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16-501 Purpose

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;
- (c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument in a public place, public park, or at a public meeting except in permitted smoking areas.

(Code 1976, § 10-501; Ord. No. O-8788-44, § 1; Ord. No. O-0809-39, § 1)

AFTER AMENDMENT

16-501 Purpose

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;
- (c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument ~~in a public place, public park, or at a public meeting except in permitted smoking areas.~~ on Municipal Property. Neither shall a person smoke or carry any lighted smoking instrument in a public Place or at a public Meeting, except where otherwise specifically allowed by law.

(Code 1976, § 10-501; Ord. No. O-8788-44, § 1; Ord. No. O-0809-39, § 1)

SECTION 3: AMENDMENT “16-502 Definitions” of the City of Norman Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16-502 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Health facility: An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

Indoor workplace: Any indoor place of employment or employment-type service for or at the

request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

Meeting: A meeting as defined in the Open Meeting Act.

Person: Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

Public body: A public body as defined in the Open Meeting Act.

Public park: All unenclosed areas of a park or playground that is owned and operated by the City to which members of the general public have been granted a right to access. "Public park" shall exclude parking lots located on the same property as a park or playground, and the Westwood Golf Course.

Public place: Any enclosed indoor area where individuals other than employees are invited or permitted.

Restaurant: Any eating establishment regardless of seating capacity.

Smoking: The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

Stand-alone bar: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

(Code 1976, § 10-502; Ord. No. O-8788-44, § 2; Ord. No. O-0607-45, § 2; Ord. No. O-0809-39, § 1)

AFTER AMENDMENT

16-502 Definitions

The following words, terms and phrases, when used in this **A**rticle, shall have the meanings ascribed to them in this **S**ection, except where the context clearly indicates a different

meaning:

Health Facility: An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

Indoor Workplace: Any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this Section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

Meeting: A meeting as defined in the Open Meeting Act.

Municipal Property: All buildings, Indoor Workplaces, Public Parks, and Public Places owned and operated by the City, including but not limited to vehicles and equipment owned by the municipality.

Person: Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

Public Body: A public body as defined in the Open Meeting Act.

Public Park: All unenclosed areas of a park or playground, including outdoor recreation areas, that is owned and operated by the City to which members of the general public have been granted a right to access. ~~"Public park" shall exclude parking lots located on the same property as a park or playground, and the Westwood Golf Course.~~

Public Place: Any enclosed indoor area where individuals other than employees are invited or permitted.

Restaurant: Any eating establishment regardless of seating capacity.

Smoking: The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

Stand-alone bar, Stand-alone tavern, and Cigar bar: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any

other enclosed indoor workplace, including a restaurant.

Tobacco Product: Any product that contains tobacco and is intended for human consumption.

Vapor Product: Any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce vapor in a solution or other form. Vapor Products shall include any vapor cartridge or other container of a solution, that may or may not contain nicotine, or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, or similar product or device.

(Code 1976, § 10-502; Ord. No. O-8788-44, § 2; Ord. No. O-0607-45, § 2; Ord. No. O-0809-39, § 1)

SECTION 4: AMENDMENT “16-503 Smoking In Certain Public Places Prohibited” of the City of Norman Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16-503 Smoking In Certain Public Places Prohibited

- (a) Except where specifically allowed by law, no person shall smoke tobacco or marijuana or vape marijuana in a public place, in an indoor workplace, in any vehicle providing public transportation, or at a meeting of a public body.
- (b) All buildings, or portions thereof owned or operated by this municipality shall be designated as nonsmoking.
- (c) No smoking of tobacco or marijuana or vaping marijuana shall be allowed within 25 feet of the entrance or exit of any building specified in subsection (b) of this section.
- (d) No smoking of tobacco or marijuana or vaping marijuana shall be allowed on the grounds of any City-owned public parks excluding the parking lots of any public park or playground and the Westwood Golf Course.
- (e) The restrictions provided in this section shall not prohibit tobacco smoking in:
 - (1) Stand-alone bars, stand-alone taverns or cigar bars;
 - (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;
 - (3) Up to 25 percent of the guest rooms at a hotel or other lodging establishment;
 - (4) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
 - (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person,

who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

- (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
 - (7) Private offices occupied exclusively by one or more smokers;
 - (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
 - (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
 - (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
 - (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within 15 feet of any exterior public doorway or any air intake of a restaurant.
- (f) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within 15 feet of any entrance, exit, or air intake.
- (g) If tobacco smoking is to be permitted in any space exempted in subsections (f)(5) or (6) of this section or in a tobacco smoking room pursuant to subsection (f)(2) of this section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within 15 feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.
- (h) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco

smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within 25 feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

- (i) The person who owns or operates a place where tobacco smoking or use is prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
- (j) Responsibility for posting signs or decals shall be as follows:
 - (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
 - (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.
- (k) The person who owns or operates a place where smoking or tobacco use is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

(Code 1976, § 10-503; Ord. No. O-8788-44, § 3; Ord. No. O-9697-26; Ord. No. O-0607-45, § 3; Ord. No. O-0809-39, § 1)

AFTER AMENDMENT

16-503 Smoking In Certain Public Places Prohibited

- (a) ~~Except where specifically allowed by law, n~~ No person shall smoke tobacco or marijuana or vape marijuana in a Public Place, in an I-indoor Workplace, in any vehicle providing public transportation, or at a meeting of a Public Body, except where otherwise specifically permitted by law.
- (b) Notwithstanding Subsection (a) above, no person shall smoke or use Tobacco Products or Vapor Products or smoke or vape marijuana in or on any Municipal property.
- (c) ~~All buildings, or portions thereof owned or operated by this municipality shall be designated as nonsmoking. No smoking of tobacco or marijuana or vaping marijuana shall be allowed within 25 feet of the entrance or exit of any building specified in subsection (b) of this section.~~
- (d) ~~No smoking of tobacco or marijuana or vaping marijuana shall be allowed on the grounds of any City-owned public parks excluding the parking lots of any public park or playground and the Westwood Golf Course.~~
- (e) The restrictions provided in this Section shall not prohibit tobacco smoking in:
 - (1) Stand-alone bars, Stand-alone taverns or Ceigar bars;
 - (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;
 - (3) Up to 25 percent of the guest rooms at a hotel or other lodging establishment;
 - (4) Retail tobacco stores predominantly engaged in the sale of tobacco products

and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

- (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
 - (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
 - (7) Private offices occupied exclusively by one or more smokers;
 - (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
 - (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
 - (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
 - (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- (12)
- (f) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.
 - (g) If tobacco smoking is to be permitted in any space exempted in ~~S~~subsections ~~(c)(5)~~ or ~~(c)(6)~~ of this ~~S~~section or in a tobacco smoking room pursuant to subsection ~~(c)(2)~~ of this ~~S~~section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air

from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.

- (h) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.
- (i) The person that has legal or de facto control of an area in which ~~who owns or operates a place where tobacco~~ smoking and the use of Tobacco Products or Vapor Products ~~or use~~ is prohibited by law this Article shall post a clear, conspicuous, and unambiguous sign at each entry to the area. be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
 - (1) For restrictions on smoking or use of Tobacco Products or Vapor Products in indoor areas, a sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
 - (2) For restrictions on smoking and the use of Tobacco Products or Vapor Products in outdoor Municipal Property, signs shall be posted at each entrance that are (1) weather-resistant; (2) at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at last one (1) inch; and (3) clearly state that the place is smoke-free or tobacco-free.
- (j) Responsibility for posting signs or decals shall be as follows:
 - (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
 - (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.
- (k) The person who owns or operates a place where smoking or ~~tobacco~~-use of Tobacco Products or Vapor Products is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this Article~~act~~.

(Code 1976, § 10-503; Ord. No. O-8788-44, § 3; Ord. No. O-9697-26; Ord. No. O-0607-45, § 3; Ord. No. O-0809-39, § 1)

SECTION 5: AMENDMENT “16-508 Enforcement/Penalties” of the City of Norman Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16-508 Enforcement/Penalties

- (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100), excluding costs, fees, and assessments.

(Code 1976, § 10-513; Ord. No. O-0607-45, § 13)

AFTER AMENDMENT

~~16-508~~504 Enforcement/Penalties

- (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), as provided in the City penalty and fine schedule, excluding costs, fees, and assessments.
- (b) The possession of a lighted smoking instrument in violation of this Article shall be deemed a nuisance.
- (c) Enforcement of this Article shall be the responsibility of the City of Norman Police Department, or, in addition, any peace officer or code enforcement official.

(Code 1976, § 10-513; Ord. No. O-0607-45, § 13)

SECTION 6: AMENDMENT “16-504 Reserved” of the City of Norman Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16-504 Reserved (Non-existent)

AFTER AMENDMENT

16-504 Reserved

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL FEBRUARY 25, 2025.

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest



Larry Heikkila, Mayor, City of
Norman



Brenda Hall, City Clerk, City of
Norman

