

AN ORDINANCE AMENDING CHAPTER 235. SMOKING IN WORKPLACES AND PUBLIC PLACES OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI REGARDING MARIJUANA.

WHEREAS, on November 8, 2022, the voters of the State of Missouri approved an Amendment to Article XVI of the Missouri Constitution, known as Constitutional Amendment 3, legalizing sales and consumption of adult-use marijuana; and,

WHEREAS, the City of Maryville desires to amend Chapter 235. Smoking in Workplaces and Public Places of the Municipal Code of Maryville to prohibit the smoking of marijuana in workplaces and public places in addition to tobacco products.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, as follows:

SECTION 1: That Chapter 235. Smoking in Workplaces and Public Places, Section 235.010. Definitions, of the Municipal Code of Maryville, be and is hereby amended and shall read as follows:

Section 235.010. Definitions
[Ord. no. 7233 §§1 – 2, 8-9-2010]

The following words and phrases, wherever used in this Article, shall be construed as defined by this Section:

BAR – An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets, and shall not include any outdoor area associated with sale or delivery of food or alcoholic beverages which is located as an extension of or adjacent to the enclosed area of the bar.

BUSINESS – Any enclosed area of a commercial establishment, including but not limited to, retail stores, banks, office buildings, offices, restaurants and bars.

EMPLOYEE – A person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

EMPLOYER – A person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

ENCLOSED AREA – All space between floor and ceiling that is more than eighty percent (80%) contained on all sides by permanent and non-movable walls that extend from the floor to the ceiling, and/or windows and doorways.

HEALTH CARE FACILITY – An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

PLACE OF EMPLOYMENT – An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A private residence shall be deemed to be a place of employment only if it is used as a child care, adult day care, or health care facility.

PLAYGROUND – Any play structure designed in whole or in part to be used by children or others under eighteen (18) years of age or any similar facility located on public or private school grounds.

PRIVATE CLUB – An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of Federal income tax as a club under 26 U.S.C. §501.

PUBLIC PLACE – An enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a child care, adult day care, or health care facility.

RESTAURANT – An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public-school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

SERVICE LINE – An indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

SHOPPING MALL – An enclosed public walkway or hall area that serves to connect retail or professional establishments.

SMOKE or SMOKING – Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or other combustible tobacco or ~~medical~~ marijuana product in any manner or in any form.

SPORTS ARENA – Sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION 2: That Chapter 235. Smoking in Workplaces and Public Places, Section 235.070. Prohibition of Smoking in Outdoor Areas, of the Municipal Code of Maryville, be and is hereby amended and shall read as follows:

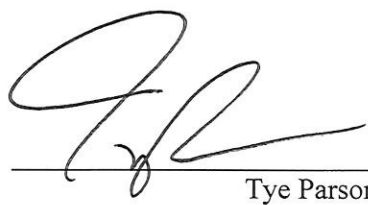
Section 235.070. Prohibition of Smoking in Outdoor Areas.
[Ord. no. 7233 §§1 – 2, 8-9-2010]

- A. Smoking Shall be prohibited in the following outdoor places:
1. In and within ten (10) feet of all primary public entrances, open windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to that smoke does not enter those areas.
 2. In all outdoor arenas, stadiums, amphitheaters and concession stands at the same and within ten (10) feet of bleachers and grandstands used or occupied by spectators at sporting or other public events.

3. In and within ten (10) feet of all outdoor public transportation stations, platforms, and shelters.
4. In all outdoor service lines.
5. Playgrounds.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 24th day of April, 2023.



Tye Parsons, Mayor

ATTEST:



Stacy Wood, City Clerk