ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2004-21

An Ordinance Extending the Smoking Ban to Bars and Bar Restaurants.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

Section 2. Amendment of Section. CBJ 36.60.030, Where smoking not regulated, is amended to read:

36.60.030 Where smoking not regulated.

(a) This chapter does not apply to:

1. private residences, including those used as places of employment, but this exception does not apply at any time the residence is open for use as a child care, adult care or health care facility,
2. places of employment with a total of four or fewer employees and owners working at the place, provided that this exception shall not apply to a place of employment which is an enclosed public place,
3. private enclosed areas in nursing homes or assisted living facilities,
4. retail tobacco stores,
5. performers smoking as part of a stage performance,
6. enclosed areas used for conferences or meetings in restaurants, service clubs, hotels, or motels while the spaces are in use for private functions admission to which is determined at least three days in advance,
7. bars; provided that for bars, no tobacco smoke may infiltrate into a dining room through a passageway, ventilation system, or otherwise, or into any area where smoking is prohibited,
8. federal or state property, or those portions of buildings leased by the federal or state government,
9. private property used for residential incarceration under contract to a federal or state correctional agency.

(b) the owner, operator, or manager of property may by permanently affixing a sign thereon, waive any exemption provided by subsection (a) of this section.
Section 3. Amendment of Section. CBJ 36.60.030, Where smoking not regulated, is amended to read:

36.60.030 Where smoking not regulated.

(a) This chapter does not apply to:

1. private residences, including those used as places of employment, but this exception does not apply at any time the residence is open for use as a child care, adult care or health care facility,
2. places of employment with a total of four or fewer employees and owners working at the place, provided that this exception shall not apply to a place of employment which is an enclosed public place,
3. private enclosed areas in nursing homes or assisted living facilities,
4. retail tobacco stores,
5. performers smoking as part of a stage performance,
6. enclosed areas used for conferences or meetings in restaurants, service clubs, hotels, or motels while the spaces are in use for private functions admission to which is determined at least three days in advance,
7. Reserved.
8. federal or state property or those portions of buildings leased by the federal or state government,
9. private property used for residential incarceration under contract to a federal or state correctional agency.

(b) the owner, operator, or manager of property may by permanently affixing a sign thereon, waive any exemption provided by subsection (a) of this section.

Section 4. Effective Dates. Section 2 of this ordinance shall be effective January 2, 2005; Section 3 of this ordinance shall be effective January 2, 2008.

Adopted this 14th day of June, 2004.

[Signature]
Bruce Botelho, Mayor

Attest:

[Signature]
Elizabeth J. McEwen, Deputy Clerk