

BILL NO. 22-007

ORDINANCE NO. 4891

FIRST READING 4.15.2022

SECOND READING 5.3.2022

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 13, ARTICLE II. -
SMOKING PROHIBITED IN INDOOR WORKPLACES AND PUBLIC PLACES, SECTION
13-27 WHERE SMOKING NOT REGULATED, REGARDING REGULATION OF PRIVATE
CLUBS**

WHEREAS, the City Council has determined that section 13-27 currently fails to fully exempt private clubs from the requirements of said Article II of Chapter 13, and

WHEREAS, the Council has reviewed the matter and has determined that the ordinance as drafted in an undue restraint upon such clubs, and that it is therefore in the best interests of the citizens of Hannibal to amend such ordinance.

**NOW THEREFORE, BE IT ORDAINED THE CITY COUNCIL HEREBY REVISES
CHAPTER 13 AS FOLLOWS:**

SECTION ONE: Section 13-27 is revoked and a new section 13-27 is hereby enacted as follows:

Sec. 13-27. - Where smoking not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections 13-23 through 13-25:

- (1) Private residences except when used as a licensed childcare, licensed adult day care or licensed health care facility.
- (2) Not more than 20 percent of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (3) Private clubs, provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this article. This exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this article. For purposes of enforcement, it shall be a prima facie case that the club is established for the purpose of avoiding compliance if the club purports to allow a temporary membership or allows entry to the club for a one time membership fee.
- (4) Outdoor areas of places of employment except those covered by the provisions of Section 13-26.