

**ORDINANCE AMENDING CHAPTER 50, ARTICLE IV, SMOKING BAN,  
CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI –**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

**SECTION I.** That Section 50-83, Definitions, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

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:

*Bars* means any premises where nonalcoholic or alcoholic beverages are sold or consumed, including but not limited to taverns, nightclubs, and cocktail lounges.

*Business* means any sole proprietorship, partnership, joint venture, corporation, or other business entity, formed either for nonprofit or profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are performed, and private clubs.

*Child care facility* means any state-licensed child care facility, including but not limited to licensed family day care or licensed group day care centers, licensed day camps, certified school-age programs and Head Start programs.

*City buildings* means all city-owned and operated buildings and those portions of buildings leased and operated by the city.

*Common area of buildings* means all areas not part of a tenant's leased premises, including but not limited to lobbies, community rooms, hallways, laundry rooms, stairwells, elevators, enclosed parking facilities, pool areas, and restrooms contiguous thereto.

*Employee* means any person who is employed in consideration for direct or indirect monetary wages or other compensation and includes individuals so employed whether fulltime, part-time, temporarily or by contract with a third party. The term "employee" also means any person who serves as a volunteer for a business or nonprofit entity.

*Employer* means any person, business, partnership, association, limited liability company, corporation, or other entity, including a public or nonprofit entity that employs the services of one or more individual persons.

*Enclosed area* means all space between a floor and ceiling which is enclosed on all sides by walls or windows (exclusive of doors or passage ways) which extend from floor to ceiling.

*Entrance* means a doorway and adjacent area which gives direct access to a building from a contiguous street, plaza, sidewalk, or parking lot.

*Health care facility* means 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, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, wards and entrances into health care facilities.

*Hotel and motel* means any commercial establishment that offers rooms that contain a bed and toilet facilities to the general public for rent and that is not a private residence as defined herein.

*Mall* means an enclosed, indoor area containing common areas and discrete businesses primarily devoted to the retail sale of goods and services.

*Municipal park* means any facility, whether indoor or outdoor, which is maintained by the city or the city park commission, including but not limited to Oxford Skate Park, Avent Park,

Stone Park, Price Hill Park, Oxford Soccer/Softball Complex, Hank Aaron Baseball Complex, Oxford Swimming Pool, and Pat Lamar Park.

*Place of employment* means an enclosed area controlled by the employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias, hallways and vehicles. This also includes private offices, elevators, medical facilities, stairs, vehicles and all other enclosed facilities. A private residence is not a "place of employment" within the meaning of this chapter unless used as a child care, adult day care, or health care facility.

*Private residence* means premises owned, rented or leased for permanent or semi-permanent habitation.

*Public place* means 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, health care facilities, hotel and motel lobbies, laundromats, parking garages, public parks, public transportation 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* means 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.

*Retail tobacco store* means an establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city or town where the establishment is located. A retail tobacco store that permits smoking on the premises shall post in a clear and conspicuous manner, a sign at each entrance warning persons entering the establishment that smoking may be present on the premises and that persons under the age of 18 years of age may not enter the premises.

*Service line* means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the services involves the exchange of money.

*Smoking* means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, hookah, or other lighted tobacco product in any manner or in any form, including the use of any "electronic smoking device".

*Electronic Smoking Device:* any electronic device, electronic circuit device, chemical or mechanical heating element device, battery-operated device or any other power source device that delivers nicotine, flavor or other substances for inhalation. This term shall include every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.

*Sports arena or venue* means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller skating rinks and indoor ice rinks, bowling centers and other similar places where members of the general public assemble to participate in or to witness sporting, cultural, recreational, or other events.

## **SECTION II. REPEALING CLAUSE**

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

## **SECTION III. EFFECTIVE DATE**

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford

Mississippi on motion of Alderman Bailey, seconded by Alderman Addy, and the roll being called, the same by the following votes:

Alderman Addy	voted	aye
Alderman Hulse	voted	aye
Alderman Antonow	voted	aye
Alderman Taylor	voted	aye
Alderman Bailey	voted	aye
Alderman Morgan	voted	aye

APPROVED, this the 7th day of May, 2019.

/s/Ulysses Howell  
ULYSSES HOWELL, MAYOR PRO TEM

/s/Ashley Atkinson  
ASHLEY ATKINSON, CITY CLERK