

ORDINANCE # 2014-17
INTRODUCED BY Alexius
DATE INTRODUCED 7/15/14
ITEM NUMBER 2014-07-06
PUBLIC HEARING 8/5/14
ADOPTED/TABLED 8/5/14
EFFECTIVE 3/22/14
BOOK # 4 PAGE # _____
RECORDATION # _____
AMENDED BY ORDINANCE # _____
DATE AMENDED 6

ADOPTION

INTRODUCTION

CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2014- 17

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**AN ORDINANCE OF THE CITY OF COVINGTON
AMENDING THE FOLLOWING PROVISIONS OF THE
COVINGTON CODE OF ORDINANCES: CHAPTER 66
OFFENSES AND MISCELLANEOUS PROVISIONS,
ARTICLE VI. OFFENSES AGAINST MUNICIPAL
GOVERNMENT, SEC. 66-177. SMOKING IN MUNICIPAL
BUILDINGS PROHIBITED**

18 WHEREAS, certain amendments have been suggested to the sections of the
19 Code addressing smoking in municipal buildings and facilities; and

20 WHEREAS, the Covington City Council deems these amendments
21 appropriate to protect the health, safety and welfare of the citizens of Covington;
22 and

23 WHEREAS, the City Council has held its public hearing in accordance with
24 law,

25 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City
26 of Covington, at its regular session convened, that Chapter 66 Offenses and
27 Miscellaneous Provisions, Article VI. Offenses Against Municipal Government,
28 Sec. 66-177. Smoking in municipal buildings prohibited, shall be amended to read
29 as follows:

30 ~~Sec. 66-177. Smoking in municipal buildings prohibited.~~

31 ~~(a) — The following words and phrases shall have the meanings ascribed to them~~
32 ~~in this section:~~

33 ~~— *Municipal buildings* means and includes all buildings owned, leased, or~~
34 ~~otherwise occupied by the municipality, except the Covington Community Center.~~

35 ~~— *Smoke* and *smoking* mean and include the carrying of a lighted cigar,~~
36 ~~cigarette, pipe, or any other form of tobacco or the inhaling of and exhaling of~~
37 ~~smoke by a person from any form of lighted tobacco.~~

38 ~~(b) — Smoking is prohibited in all municipal buildings. No smoking signs shall be~~
39 ~~conspicuously posted in all municipal buildings by the department head or other~~
40 ~~person having control of such buildings.~~

41 ~~(c) — Any person who violates this section shall be subject to a fine of not more~~
42 ~~than \$50.00.~~

43

1 Sec. 66-177. Smoking and the use of smokeless tobacco products are prohibited in
2 buildings, facilities and vehicles owned or leased by the city, unless otherwise
3 noted.

4 (a) Definitions.

5 *Cigar* means any roll of tobacco for smoking, irrespective of size or shape,
6 and irrespective of the tobacco being flavored, adulterated, or mixed with any other
7 ingredient, where such roll has a wrapper or cover made of paper, or any other
8 material, except where such wrapper is wholly or in greater part made of tobacco.

9 *Cigarette* means any roll for smoking made wholly or in part of tobacco,
10 irrespective of size or shape and irrespective of the tobacco being flavored,
11 adulterated, or mixed with any other ingredient, where such roll has a wrapper or
12 cover made of paper, or any other material, except where such wrapper is wholly
13 or in greater part made of tobacco.

14 *Covered area* means all space which has a roof but not necessarily enclosed,
15 irrespective of the size of such area.

16 *Electronic cigarette (e-cig or e-cigarette)* means a battery-powered
17 vaporizer which simulates tobacco smoking by producing an aerosol that
18 resembles smoke.

19 *Enclosed area* means all space which is enclosed on all sides by solid walls,
20 windows or floor-to-ceiling partitions, irrespective of the size of such areas and of
21 any doorway, stairway or passageway providing means of ingress and egress to
22 such area.

23 *Establishment* means any sole proprietorship, partnership, association, joint
24 venture, corporation or other entity formed for profit-making purposes, including
25 professional corporations and other entities where legal, medical, dental,
26 engineering, architectural, financial, counseling, and other professional or
27 consumer services are provided.

28 *Facility* means any property of the city other than a building or vehicle and
29 includes but is not limited to property owned, occupied or operated by the city or
30 an agency thereof, utilized by the general public for public use, recreation, sport or
31 pleasure.

32 *Municipal buildings and places* mean and include all buildings and places
33 owned, leased, or otherwise occupied by the municipality.

34 *Public place and/or public building* mean any areas to which the public is
35 invited or permitted, including, but not limited to, banks, educational facilities,
36 health care facilities, shopping malls, property owned, occupied or operated by the
37 city or an agency thereof, public transportation facilities, reception areas,
38 restaurants, retail stores, theatres, sports arenas and waiting rooms.

39 *Second-hand or secondary smoke* mean that smoke which people are
40 involuntarily exposed, either through a smoker exhaling smoke from a tobacco or
41 simulated tobacco product or other weed or plant or through the lighting or burning
42 of any tobacco product.

43 *Smoke or smoking* mean and include the carrying of a lighted cigar,
44 cigarette, pipe, or any other form of tobacco or simulated tobacco or the inhaling of
45 and exhaling of smoke by a person from any form of lighted tobacco, including
46 any other substance that may emit smoke. This definition shall also include
47 electronic cigarettes.

48 *Smokeless tobacco* means any finely cut, ground, powdered, or leaf tobacco
49 that is intended to be placed in the oral or nasal cavity, that does not emit smoke,
50 such products include but are not limited to dip, snuff, chewing tobacco, etc.

1 *Smoking tobacco* means granulated, plug cut, crimp cut, ready rubbed, and
2 any other kind and form of tobacco prepared in such manner as to be suitable for
3 smoking in a pipe or cigarette.

4 *Tobacco* means and includes tobacco, tobacco related products, tobacco
5 substitutes, fillers, and other plants, weed, or other smoke producing substances.

6 *Tobacco product* means any cigar, cigarette, smokeless tobacco, or smoking
7 tobacco.

8 *Vehicle* means any city-owned or leased vehicle used for convenience or
9 necessity.

10 *Youth activities* mean any sport, game, contest or other activity in which any
11 or all of the participants are under the age of 18 years old.

12
13 (b) Construction of article.

14 Nothing in this article shall be construed to permit smoking where it is
15 otherwise prohibited by law or regulation.

16 Nothing in this article shall be construed to preclude owners, operators,
17 managers, employers or other persons having control of any establishment covered
18 by this article from prohibiting smoking in such establishment to a greater extent
19 than is provided by this article, in accordance with applicable law.

20
21 (c) Prohibition of smoking and the use of smokeless tobacco products in public
22 places.

23 (1) Smoking and the use of smokeless tobacco products are prohibited in all
24 enclosed and covered areas within municipal buildings or facilities during the
25 times in which the public is invited or permitted, except as otherwise restricted in
26 accordance with the provisions below. Such municipal buildings or facilities
27 include, but are not limited to, the following:

28 a. Public restrooms.

29 b. Places of meeting or public assembly during such time as a meeting open to
30 the public is being conducted for educational, religious, recreational or political
31 purposes, but not including meetings conducted in private residences.

32 c. All enclosed or covered areas of municipal buildings or facilities occupied or
33 operated by the city or any of its agencies. This prohibition shall include private
34 offices and other areas in city public buildings as well as areas open to the public.

35 (2) Smoking and the use of smokeless tobacco products are prohibited in the
36 following public places, whether or not in an enclosed or covered area:

37 a. Within twenty-five (25) feet of the entrance or exit to any public building or
38 municipal facility occupied or operated by the city or any of its agencies.

39 b. Where posted, any indoor or outdoor area in any playground, arena, stadium,
40 or amphitheater in any park, playground or other recreational facility owned,
41 operated, or maintained by the city except in outdoor areas designated for smoking
42 at each facility.

43 c. Smoking and the use of smokeless tobacco products are prohibited in any
44 facilities or vehicles owned, or leased, occupied or operated by the city or any
45 agency thereof, including public transportation facilities or vehicles, except as
46 provided herein.

47 d. The city shall designate an outdoor area in which smoking and the use of
48 smokeless tobacco products are permitted at each facility, outdoor area, enclosed
49 area or covered area, where permissible. Such designated smoking areas shall be
50 placed at a sufficient distance from areas in which youth activities are conducted
51 such that neither the youths who are participating in such activities nor the
52 spectators viewing such activities are exposed to significant amounts of second-

- 1 hand smoke generated by persons smoking in the areas designated for smoking.
2 The designated smoking areas shall be well-ventilated.
3 c. Signs prohibiting smoking in areas not designated for smoking and marking
4 each area designated for smoking shall be conspicuously posted at all applicable
5 facilities.
6 f. Private owners of public places, places open to the public, and office work
7 places may establish rules and regulations regulating smoking on the premises of
8 their property or they may delegate this authority to their tenants.

9
10 (d) Posting of signs.

11 (1) "Smoking" or "No Smoking" signs, or the international "No Smoking"
12 symbol consisting of a pictorial representation of a burning cigarette enclosed in a
13 red circle with a red bar across it and any other signs necessary to comply with the
14 provisions of this article shall be prominently and conspicuously posted at all
15 major entrances to, and appropriate locations within, each enclosed area, covered
16 area, facility or outdoor area where smoking is either prohibited, permitted or
17 otherwise regulated by this article, by the owner, operator, manager or other person
18 having control of such area.

19 (2) Every municipal place and place of employment where smoking is
20 prohibited by this article shall have posted at every public entrance a conspicuous
21 sign clearly stating that smoking is prohibited.

22 (3) Administrative officials at any municipal building are encouraged to provide
23 receptacles for the deposit of tobacco refuse at the primary entrances of their
24 buildings.

25 (4) Lack of signs or notice shall not be a defense for a violation of this section.
26

27 (e) Enforcement.

28 (1) This article shall be enforced by the Covington Police Department and
29 Covington Code Enforcement officials.
30

31 (f) Violations and penalties.

32 (1) It shall be unlawful for a person to smoke in an area where smoking is
33 prohibited.

34 (2) Each day on which a violation of this article occurs shall be considered a
35 separate and distinct violation. The Covington Code of Ordinances penalty
36 provisions provided under section 1-8 shall apply.
37

38 **BE IT FURTHER ORDAINED** that all other sections of Chapter 66
39 Offenses and Miscellaneous Provisions shall remain the same and in full force.

40 **BE IT FURTHER ORDAINED** that if any provision of this ordinance
41 shall be held to be invalid, such invalidity shall not affect other provisions herein
42 which can be given effect without the invalid provision and to this end the
43 provisions of this ordinance are hereby declared to be severable.

44 **WHEREUPON**, this ordinance having been submitted in writing, having
45 been read by title and adopted at a public meeting of the City Council of the City
46 of Covington, State of Louisiana, was then submitted to an official vote as a whole,
47 the vote thereon being as follows:
48

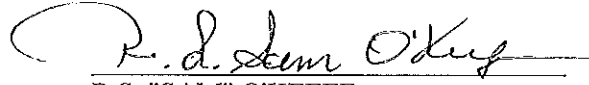
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MOVED FOR ADOPTION by Alexius, seconded by Wright.

YEAS: 7 ABSENT: 0

NAYS: 0 ABSTAIN: 0

PASSED AND ADOPTED this 5th day of August, 2014.


R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT


BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 6th day of August, 2014, at 4:30 o'clock P.M.


BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved or Vetoed by the Mayor on this 7th day of August, 2014.


MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 7th day of August, 2014, at 10:15 o'clock A.M.


BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL