

ORDINANCE NO: 2020-007

AN ORDINANCE OF THE CARENCRO CITY COUNCIL
AMENDING THE CARENCRO CODE OF ORDINANCES
WITH REGARD TO SMOKING IN PUBLIC PLACES
AND ADDING PENALTY PROVISIONS FOR VIOLATIONS OF SAME

BE IT ORDAINED by the City Council of the City of Carencro, that:

SECTION 1:

The Carencro City Council now finds it necessary to amend the City of Carencro Code of Ordinances Section 2 – 2. Smoking in public places prohibited, in order to protect the health, safety, and welfare of the public while visiting public places.

SECTION 2:

In consideration of Section 1 above, the Council hereby amends CHAPTER 2 – ADMINISTRATION, ARTICLE I. - IN GENERAL, Sec. 2 – 2 Smoking in public places prohibited, such that said shall hereafter read as follows:

Sec. 2-2 – Smoking in public places prohibited.

- (a) The buildings and public places owned and/or operated by the city are hereby designated as "Smoke free" and smoking is therefore prohibited in all structures and/or public places. Public place means any area to which the public is invited or in which the public is permitted.
- (b) Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking device, weed, plant, or other combustible substance in any manner or in any form, for personal inhalation or consumption including vaping which is the act of inhaling and exhaling an aerosol, often referred to as vapor, produced by an e-cigarette, vape pen, or similar device.
- (c) Smoking is prohibited within a reasonable distance of 25 feet outside of any entrance to an area where smoking is prohibited, which entrance is available to the general public (or such lesser distance if considerations of safety do not permit a greater distance), so as to ensure that fumes, smoke, vapor and/or aerosol does not enter or migrate into the enclosed area through doors, entrances, windows, ventilation systems or other means.
 - a. Smoking shall be prohibited in and within 25 feet of all outdoor playgrounds.
 - b. Smoking shall be prohibited in and within 25 feet of bleachers and grandstands for use by spectators at sporting and other public events.
 - c. Smoking shall be prohibited in and within 25 feet of any dugout, football, softball, baseball, or soccer field. Smoking shall also be prohibited in and within 25 feet of any concession stand of a sporting facility or recreational area/facility.
- (d) Violations and penalties.
 - a. A person who smokes in a public place or place of employment and in violation of the provisions of this section shall be guilty of an infraction, punishable by:
 - i. A fine not exceeding \$100.00 for a first violation.
 - ii. A fine not exceeding \$200.00 for a second violation within one year of the first violation.
 - iii. A fine not exceeding \$500.00 for each additional violation within one year of the prior violation.

- b. Each violation of this section shall be considered a separate and distinct violation.

(e) Enforcement.

- a. This section shall be enforced by a law enforcement officer having jurisdiction or arrest authority in the City of Carencro.
- b. Any citizen who desires to register a complaint under this section may initiate enforcement with the operator, manager, or other person in control of a public place to comply with the provisions of this section.
- c. In the interest of public safety, the law enforcement officer has discretion to take immediate action to enforce this section.

SECTION 3: EFFECTIVE DATE OF ORDINANCE:

This ordinance shall become effective immediately upon return of the ordinance to the City Clerk (after execution by the Mayor), on the tenth (10th) day after receipt of the ordinance by the Mayor without signature or veto, or upon an override of a veto, whichever occurs first.

SECTION 4: REPEALER

Any City of Carencro ordinance or parts thereof in conflict herewith are hereby repealed.