

2019-0368

INTRODUCED BY: MARY CLULEE, COUNCILWOMAN, DISTRICT II

An ordinance to amend the St. Charles Parish Code of Ordinances, by revising Chapter 13, Licenses, Taxation and Miscellaneous Business Regulations, Article IX., Clean Indoor Air, Sec. 13-653. Definitions., and to add Section 13-658. – Section 13-661. for Restrictions on smoking in a business establishment known as a bar and/or gaming facility.

WHEREAS, the Parish Council may enact any ordinance necessary, requisite or proper to promote, protect, and preserve the general welfare, safety, health, peace and good order of St. Charles Parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Chapter 13, Licenses, Taxation and Miscellaneous Business Regulations, Article IX. Clean Indoor Air, Section 13-653. Definitions. be hereby amended with new text underlined and deleted text in ~~strikethrough~~:

Sec. 13-653. Definitions.

Bar means, an area which is devoted to the selling and serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food, if served at all, is only incidental to the consumption of such beverages. Although a bar may be contained within a larger restaurant, the term "bar" shall not include the dining area of such restaurant, even when the dining area is directly adjacent to or surrounds the bar area.

Gaming facility means any institution in which gaming operations are permitted to occur for the operation of electronic video draw poker devices, or at a wagering facility or off-track wagering facility.

Private club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities.

(g) Smoking material means any smoking equipment in any form, including a cigar, cigarette, pipe, electronic smoking device, weed, or plant.

SECTION II. That the St. Charles Parish Code of Ordinances, Chapter 13, Licenses, Taxation and Miscellaneous Business Regulations, Article IX. Clean Indoor Air, Section 13-658. – Section 13-661. Restrictions on smoking in a business establishment known as a bar and/or gaming facility., Exemptions., Violations and penalties., and Enforcement., be hereby added with new text underlined and deleted text in ~~strikethrough~~:

Sec. 13-658. Restrictions on smoking in a business establishment known as a bar and/or gaming facility.

(a) Smoking Prohibited: The possession of lighted smoking materials is prohibited in all portions of a business establishment known as a bar and/or gaming facility.

(b) Responsibilities of Proprietors:

(1) Signs. The proprietor of each bar or gaming facility shall conspicuously post no-smoking signs clearly indicating that smoking is prohibited.

(2) Ashtrays: The proprietor of each bar or gaming facility shall remove all ashtrays, except the proprietor may place an ashtray by each entrance.

Sec. 13-659. Exemptions.

The following are exempt from and shall not be subject to the smoking restrictions contained in these regulations:

(1) Private Clubs

Sec. 13-660 Violations and penalties.

(a) It shall be unlawful for any proprietor to fail to comply with any of the provisions of this article.

(b) It shall be unlawful for any individual to smoke in any area restricted by this article.

(c) Any person who violates any provision of this article is guilty of a misdemeanor.

Sec. 13-661 Enforcement.

a) The sheriff's office shall enforce the provisions of this article.

Sec. 13-662 – 13-670. Reserved.

SECTION III. That the foregoing provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the Parish of St. Charles as an addition or amendment thereto, and the provisions shall be appropriately renumbered to conform to the uniform numbering system of the Code.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: CLULEE

NAYS: BENEDETTO, HOGAN, WILSON, GIBBS, WOODRUFF, BELLOCK,
FLETCHER, FISHER-PERRIER

ABSENT: NONE

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY
ON DECEMBER 2, 2019.

2019-0368 Failed Revised amend Chapter 13 clean indoor air act (00000004)