



ORDINANCE 700

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE BY ADDING NEW SUBSECTIONS 12-257, 12-258, 12-259, 12-260 AND 12-261; PURSUANT TO WHICH SMOKING AND LIGHTED TOBACCO SHALL BE PROHIBITED IN ALL BUILDINGS AND ON ALL PROPERTY OWNED OR OPERATED BY THE CITY OF THE VILLAGE, THE VILLAGE DEVELOPMENT AUTHORITY, AND THE VILLAGE PUBLIC WORKS AUTHORITY; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE

Section 1. That Chapter 12 of The Village City Code is hereby amended by adding new subsections 12-257, 12-258, 12-259, 12-260, and 12-261, to read as follows:

Sec. 12-257. Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

- 1) *Indoor area*: means any indoor property owned or operated by the City, The Village Development Authority (“TVDA”), or The Village Public Works Authority (“VPWA”). An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees of the public, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed.
- 2) *Outdoor area*: means any covered area, partially covered area or area open to the sky that is on property owned or operated by the City, TVDA, or VPWA.
- 3) *Recreational area*: means any area that is owned, controlled or used by the City, TVDA, or VPWA and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths,



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riding trail, swimming pools, roller and ice-skating rinks, and skateboard parks.

- 4) *Smoking*: means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.
- 5) *Smoke free*: means to prohibit the use of combustible tobacco products by anyone, anywhere, at any time.

Sec. 12-258. Prohibition on Smoking and the possession of lighted tobacco on property owned or operated by the City of The Village, The Village Development Authority, and the Village Public Works Authority.

- 1) All buildings and other property, including, without limitation, Indoor areas, Outdoor areas, and Recreational areas, vehicles and equipment, owned or operated by the City, TVDA, and VPWA shall be entirely Smoke free.
- 2) Smoking and the possession of lighted tobacco in any form are prohibited in all buildings and on all property owned or operated by the City, TVDA, and VPWA, including, without limitation, Indoor areas, Outdoor areas, Recreational areas, vehicles and equipment.
- 3) The prohibition on smoking described herein shall not apply to public streets, rights-of-way, and sidewalks.

State law reference: O.S. Title 21, §1247 (C)

Sec. 12-259. Posting.

- 1) The City shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of each City, TVDA and/or VPWA owned or operated building indicating the property is smoke free.
- 2) The posting of signs or decals shall be the responsibility of the manager and/or supervisor of the City, TVDA and/or VPWA owned or operated facility.

Sec. 12-260. Violation and Penalty. Any person who knowingly violates Section 12-258 of the Code is guilty of a misdemeanor, and upon conviction thereof, shall be



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punished by a fine not of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00).

Sec. 12-261. Enforcement.

The State and local governmental agencies are authorized to do the following in order to prevent Smoking in City, TVDA, and VPWA owned or operated places:

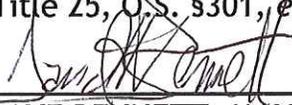
- a) Post signs at entrances to City, TVDA and VPWA owned and operated buildings and parks which state that smoking is not prohibited; and
- b) Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

Section 2. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance.

Section 4. Emergency. WHEREAS, it being necessary for the preservation of the peace, health, safety, and public good of The City of The Village and the inhabitants thereof, an emergency is hereby declared to exist, and by reason whereof, this ordinance shall take full force from and after its passage, as provided by law.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 20TH day of January, 2015, after compliance with notice requirements of the Open Meeting Law (Title 25, O.S. §301, *et seq*).



DAVE BENNETT, MAYOR

ATTEST: 

City Clerk

APPROVED AS TO FORM AND LEGALITY this _____ day of _____, 2015.

CITY ATTORNEY