

St. Louis City Ordinance 62523

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 80

INTRODUCED BY ALDERMAN FREEEMAN BOSLEY SR. , DANIEL GRUEN,
SHARON TYUS

An ordinance repealing Ordinance #62236 approved February 15, 1991 and enacting in lieu thereof a new ordinance dealing with the same subject matter; said ordinance is to enhance public health by measures to limit the involuntary ingestion of tobacco smoke while in public buildings, owned or occupied in part, by the City requiring all future leases executed by the City for the use and occupancy of the City or its agencies to provide for the provisions of this Ordinance; containing exemptions, definitions for the interpretation of Sections of the Ordinance; designation of smoking prohibited areas; a penalty clause; and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. No Smoking Provisions Scope. In order to enhance the public health and to protect the public from the real and ascertainable dangers associated with the smoking of tobacco, the provisions of Sections One, Two, Three, Four and Five shall apply to and be in effect in any building or part thereof which is owned by the City with certain exceptions and which is located within the political boundaries of the City.

Further this ordinance shall apply to buildings occupied by the City or agencies of the City, to the extent of its occupancy; intent of this ordinance being to limit the area of the ordinance's application to those areas controlled and occupied by the City.

Additionally this ordinance shall require all future leases executed by the City for the use and occupancy of the City or its agencies to provide for the provisions of this Ordinance.

SECTION TWO. Definitions. For the purpose of this Ordinance certain words are defined as follows:

1. "Building" - any building, structure or enclosure which is closed in by a roof and walls with openings for entry and exit.

2. "Department Head" - means the head of each department or office established by the City Charter or ordinances or departments established administratively, and includes the administrator of any board, commission or council, includes all county office holders elected city-wide.

3. "Director" - means the Director of Public Service as defined by the City Charter.

4. "Public Area" - that part of a building which is available to the general public for the conduct of business with the City, County or State of Missouri offices or for the provision of services by the City, County or the State of Missouri, and including but not limited to lobbies, hallways, meeting and conference halls and rooms, court rooms, office waiting rooms, elevators, stairways and public rest rooms.

5. "Smoke, Smoking" - having in one's possession a lighted cigar, cigarette, pipe, or any other lit object made of or containing tobacco or other vegetable product.

SECTION THREE. Places Where Smoking Prohibited.

1. Except in areas designated and posted as "smoking areas" no person shall smoke in any public or non-public area of:

a.) All city owned buildings

b.) Any building occupied but not owned by the City to the extent of its occupancy.

The Director shall post "no smoking" signs at the entrance of every building within the boundaries of this ordinance and provide containers to extinguished cigarettes, pipes, etc. upon entering affected buildings.

2. The department head may designate reasonable parts of the non-public areas of each department under his responsibility where smoking can be permitted. The department head shall maintain a list of all such areas which shall also be on file in the director's office.

3. The Director of Health and Hospitals shall designate some reasonable portion of the public areas of each building covered by this Ordinance as a smoking area. A list of such designated areas shall be maintained in the Office of the Director of Public Service.

4. Notwithstanding any other provision of this ordinance, smoking shall not be permitted anywhere in the Aldermanic Chambers, Room 208 and the Leisure Room all located in City Hall.

5. It is the declared purpose and legislative intent of this ordinance that all buildings falling within the scope of this ordinance shall have clearly marked areas of "smoking" and "no-smoking" in both public and non-public areas, and that a definitive list of such areas shall be on file in the office of the department head of each said area so designated and in the office of the Director of Public Service.

SECTION FOUR. Exemptions. The terms and provisions of this ordinance shall not apply to the Lambert Airport facility; the Cervantes Convention Center and its expansion, the City Jail, the Medium Security Institution, the Kiel Auditorium with the exception of the Kiel Opera House and the Arena. Buildings or portions of buildings to which this ordinance would otherwise apply shall be exempted from the provisions of this ordinance at such times as said buildings or portions of such buildings are rented or leased by the City to a private organization that conducts non-public affairs during said rental period.

SECTION FIVE. Signs To Be Posted. At every place where smoking is prohibited by this Ordinance, signs shall be posted so stating. Signs shall be posted at each public entrance to such buildings, which signs shall state: "No Smoking Permitted In The Public Areas Of This Building except as posted." In each area designated as a smoking area pursuant to Section Three, a sign shall be posted stating: "Smoking Permitted In This Area".

SECTION SIX. Penalties. A person convicted of smoking in violation of Sections One to Three shall be fined an amount not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00).

SECTION SEVEN. Emergency Clause. This being an Ordinance necessary for the immediate preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/24/91	05/24/91	H&W	02/26/92	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
02/28/92			03/06/92	03/06/92
ORDINANCE	VETOED		VETO OVR	
62523				