

ORDINANCE 09-2023

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE XI, SECTION 16-278 OF THE OWENSBORO MUNICIPAL CODE TO ALLOW FOR SMOKING IN CERTAIN LIMITED PUBLIC PLACES WHERE AIR PURIFICATION TECHNOLOGY IS UTILIZED IN SEGREGATED AREAS.

WHEREAS, the City of Owensboro passed Ordinance 23-2014 on September 3, 2014, regulating smoking in public places such as restaurants, bars and city parks; and

WHEREAS, the Board of Commissioners wishes to amend the Code of Municipal Ordinances to allow for smoking in certain limited public places where air purification technology is utilized in segregated areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. That Chapter 16, Article XI. Section 16-278 of the Owensboro Municipal Code be, and the same is hereby amended, to read as follows:

Sec. 16-278. Smoking in public places prohibited.

- (a) No person shall smoke in any public place, public park, restaurant, bar, area for which the city has granted an encroachment permit, area for which the city has granted a special events permit, area for which the city has granted a permit for use of a defined geographic space that would otherwise be considered trespassing or an unlawful encroachment under section 24-121, or in any place prohibited by the county fiscal court, by and thru ordinance KOC No. 450.1 (2005).
- (b) No owner, manager, operator, or employee of any non-governmental entity who owns, manages, operates, or otherwise controls a public place or other area

regulated under this article shall permit smoking in violation of this article.

(c) Smoking may be permitted in an enclosed public area, provided the designated smoking-permitted area is segregated from the non-smoking area and each of the following requirements is met:

- (1) The public area restricts minors under the age of eighteen (18) from entering;
- (2) The public area shall be no less than 50,000 contiguous square feet and constructed or renovated after the effective date of this ordinance with a total capital investment of no less than \$30 million dollars;
- (3) The total square footage of the designated smoking-permitted area shall not exceed fifteen percent (15%) of the aggregate square footage of the enclosed public space;
- (4) The designated smoking-permitted area shall be segregated from the smoke-free areas by a wall and vestibule with offset doors sufficient to mitigate tobacco smoke from entering the smoke-free areas; and
- (5) The designated smoking permitted area shall include air purification technology.

Section 2. This ordinance shall become effective upon its adoption and publication according to law.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 7th day of March, 2023.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 21st day of March, 2023.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk