

**VILLAGE OF DODSON, LOUISIANA
ORDINANCE 4 OF 2024**

**AN ORDINANCE ADOPTING THE SMOKE FREE ORDINANCE IN
ACCORDANCE WITH THE LOUISIANA SMOKE FREE AIR ACT; TO
PRESERVE AND IMPROVE THE HEALTH, COMFORT, AND
ENVIRONMENT OF THE PEOPLE OF THE VILLAGE OF DODSON,
LOUISIANA.**

WHEREAS, said Ordinance was introduced at the duly scheduled and convened meeting of the Mayor and Board of Aldermen for the Village of Dodson on the 3rd day of September 2024; and

WHEREAS, notice of public hearing of said Ordinance having been given by publication in the Winn Parish Enterprise on 11 the day of September 2024; and

WHEREAS, the Mayor and Board of Aldermen for the Village of Dodson recognize the purpose for the Louisiana Smoke Free Air Act, as expressed in Louisiana Revised Statute 40:1291.2, and deem it in the best interests of the Village of Dodson to adopt the Louisiana Smoke Free Air Act (La. RS. 40:1291.1, et seq.), subject to such modifications as deemed necessary to better protect and serve the citizens of Dodson, as expressly authorized by Louisiana Revised Statutes 40:1291.11 (D).

NOW THEREFORE BE IT ORDAINED, by the Mayor and Board of Aldermen of the Village of Dodson, Louisiana in legal session convened, that:

1.

The Code of Ordinances of the Village of Dodson, Louisiana is amended by adding the following:

1. Smoke-Free Ordinance

This Ordinance shall be known as the Village of Dodson Smoke-Free Ordinance.

2. Purpose

The Village of Dodson finds and determines that it is in the best interest of the people of this Village to protect nonsmokers from involuntary exposure to secondhand smoke. The Village further finds and determines that a balance should be struck between the health concerns of non-consumers of tobacco and other smoking products and the need to minimize unwarranted governmental intrusion into and regulation of private spheres of conduct and choice with respect to the use or non-use of tobacco and other smoking products in certain designated public areas and in private places. The Village hereby declares that the purpose of this

Ordinance is to preserve and improve the health, comfort, and environment of the people of the Village of Dodson.

3. Definitions

This Ordinance adopts the definition of all terms contained in Louisiana Revised Statutes 40:1291.1 et seq, except that for purposes of this Ordinance and the prohibitions contained herein, the following terms shall be defined as follows:

- a. "Bar" means a business that holds a Class A retail permit, and the primary purpose of such business is to serve alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- b. "Business" means any corporation, sole proprietorship, partnership, limited partnership, professional corporation, enterprise, franchise, association, trust, joint venture, or other entity.
- c. "Employer" means an individual or a business that employs one or more individuals.
- d. "Enclosed area" means all space between a floor and ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- e. "Local governing authority" means a municipal or parish governing authority.
- f. "Place of employment" means an area under the control of an employer that employee normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a place of employment unless it is used as a licensed childcare, adult day care, or health care facility.
- g. "Public building" means any building owned or operated by any of the following:
 1. The State of Louisiana, including the legislative, executive, and judicial branches of state government.
 2. Any parish, city, or town, or instrumentality thereof, or any other political subdivision of the State, special district, authority, commission, or agency.
 3. Any other separate corporate instrumentality or entity of State or local government.
- h. "Public place" means an enclosed area to which the public is invited or in which the public is permitted which is not a public building, including but not limited to banks, barber shops, bars, educational facilities, convention facilities, gaming establishments and locations where gaming operations are conducted, hair salons, health care facilities, hotel and motel lobbies, laundromats, micro-breweries, nail salons, public transportation

facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms.

i. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar located within a restaurant.

k. "Retail tobacco business" means any establishment or business, including, but not limited to, cigar shops, that are utilized primarily for the sale of tobacco products and accessories and in which the sale of other items is incidental.

l. "School" means any elementary or secondary school building, the campus of any school, any buildings on the campus, and all school buses.

m. "Smoke" and "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form.

n. "Smoke" and "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Ordinance.

4. General smoking prohibitions; exemptions

A. Except as permitted by Subsection B of this Section, no person shall:

1. Smoke in any public building.
2. Smoke in any outdoor area within fifteen (15) feet of any building owned, leased or otherwise occupied by the Village of Dodson.
3. Smoke in any school or within two hundred feet of the entrances, exits, or outdoor areas of any school.
4. Smoke in any public place or in any enclosed area within a place of employment.
5. Smoke in any park or recreational area or sports facility or other outdoor area owned by the Village of Dodson.
6. Smoke on the outdoor patio of any restaurant where food is served or in any outdoor area within fifteen (15) feet of any outside entrances, operable windows, and ventilation systems of any restaurant.
7. As an employer, knowingly permit smoking in any enclosed area within a place of employment.

5. Nothing in this Part shall prohibit smoking in any of the following places:

- 1 Private homes, private residences, and private automobiles; except that this Subsection shall not apply if any such home, residence, or vehicle is being used for childcare or day care or if a private vehicle is being used for the public transportation of children or as part of health care or day care transportation in which case smoking is prohibited.
- 2 Limousines under private hire.
- 3 A hotel or motel room designated as a smoking room and rented to a guest; provided that a maximum of fifty percent of the hotel rooms, at the discretion of the hotel owner or general manager, available for rent to guests in a hotel or motel may be designated as smoking rooms.
- 4 Any retail tobacco business, any hookah business, shop, or establishment and electronic smoking device business or shop.
- 5 The outdoor area of places of employment; except that the owner or manager of such business may post signs prohibiting smoking in any such outdoor area, which shall have the effect of making that outdoor area an area in which smoking is prohibited under the provisions of this Part.
- 6 Private and semiprivate rooms or apartments in assisted living facilities, nursing homes and other long-term care facilities that are occupied by one or more persons, who are all smokers and who have requested in writing to be placed in a room where smoking is permitted; provided that smoke from such rooms or apartments does not infiltrate into areas where smoking is prohibited under the provisions of this Part.
- 7 All workplaces of any manufacturer, importer, wholesaler, or distributor of tobacco products, of any tobacco leaf dealer or processor, and all tobacco storage facilities.
- 8 Convention facilities during the time such facilities are being used for professional meetings and trade shows which are not open to the public that are produced or organized by tobacco businesses or convenience store associations where tobacco products are displayed and limited to the location of such meetings or shows, if approved in advance by the facility owner.
- 9 Designated and well-ventilated "smoking rooms" in nursing homes which permit smoking, provided that the designated smoking room is not the reception area, lobby, waiting room, dining room, or any other room or area defined as a public place under the provisions of this Part.
- 10 An outdoor patio, except as prohibited in Section - 4(A)(6)above.

6. An individual, person, entity, or business subject to the smoking prohibitions of this Section shall not discriminate or retaliate in any manner against a person for making a complaint regarding a violation of this Section or for furnishing information concerning a violation to an enforcement authority.

7. Notice of prohibition of smoking

- A. "No smoking" signs or the international "No smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control in every public building, public place, and place of employment where smoking is prohibited by this Part.
- B. The owner, operator, manager, or other person in control shall remove all ashtrays from any area where smoking is prohibited by this Part.

8. Enforcement; penalties

- A. 1. Any violation of any prohibition may be cited by any law enforcement officer or code enforcement officer or authorized designee of either by the issuance of a citation and summons to appear before Dodson Mayors Court.
 - 2. Such citations shall be in a form such that there shall be retained in each book of citations a receipt, and each shall have a copy to be deposited by the law enforcement officer, code enforcement officer or authorized designee with a court having jurisdiction over the alleged offense.
 - 3. The time and place of his hearing or of his opportunity to plead guilty by the payment of his specified fine shall appear on the. Failure to appear, unless the fine is paid, may be punished within the discretion of the court as contempt of court.
- B. 1. (a) Any person who is guilty of a violation of the prohibition shall, upon a first offense, be fined twenty-five dollars.
 - (b) Any person who is guilty of violating such prohibition a second time shall be fined fifty dollars.
 - (c) Any person who is guilty of violating such prohibition a third or subsequent time shall be fined one hundred dollars.
- 2. (a) Any employer who is guilty of a violation of the prohibition in Section 4(A)(7) shall, upon a first offense, be fined one hundred dollars.
 - (b) Any employer who is guilty of violating such prohibition a second time shall be fined two hundred fifty dollars.
 - (c) Any employer who is guilty of violating such prohibition a third or subsequent time shall be fined five hundred dollars.

II.

It is the intention of the governing body, and it is hereby ordained, that the provision of this ordinance shall be made part of the Code of Ordinances, Village of Dodson, Louisiana, and the sections of this ordinance may be renumbered to accomplish such intention.

III.

All ordinances or parts of ordinances in conflict herewith be and are hereby repealed.

IV.

If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions, items or application of this ordinance which can be given effect without the invalid provisions, items, or applications, and to this end, the provisions of this ordinance are hereby declared severable.

V.

A record vote was taken, and the following results were had and entered in the minutes by the Clerk as follows:

YEA 3
NAY 0
ABSTAIN 0
ABSENT 0

This ordinance be and is hereby made effective on this 1st day of October, 2024.

X

Richie Broomfield
Mayor

X

Jessica frieu
Clerk