



MEMORANDUM

Council Agenda
Item No. XI.B.
12/22/2015

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Ordinance on final hearing, relating to Miscellaneous Provisions and Offenses, amending the Oklahoma City Municipal Code, 2010, Sections 30-470 Definitions, 30-471, Possession of Lighted Tobacco and Other Tobacco Products in Certain Places Prohibited, 30-472, Exemptions, and 30-473, Designated Smoking Rooms and Areas.

Councilmembers Shadid, McAtee, White and Pettis Jr.

Purpose The Municipal Counselor's Office prepared the ordinance at the request of Councilman White to adopt new restrictions on use of tobacco in and on City property, indoors and outdoors, and on educational facilities and other public properties, as permitted by state law.

Background State law has, for some time, allowed municipalities to ban smoking in City buildings. In 2013, the legislature added "other properties" owned or operated by a municipality to the list of public property upon which smoking bans could be adopted by municipalities, thus allowing outdoor smoking bans on City property. The new statutory language expressly provided that municipalities "shall be authorized to enact laws restricting smoking on properties owned or operated by the respective governing bodies." The legislature also permitted municipalities to prohibit and penalize smoking in other places, such as schools, so long as "the provisions of such laws shall be the same as provided" in state law.

The proposed amendments would ban smoking on all City owned or operated property, indoors or outdoors, except City streets, alleys and sidewalks adjacent to City streets, unless they lie within City parks. The amendments would prohibit smoking on the curtilage around City buildings and indoors and outdoors at all City parks, including City trails and all other outdoor property owned or operated by the City, except public golf courses on land owned by the City and any facility licensed by the Oklahoma Horse Racing Commission on land owned by the City. Smoking would still be prohibited in all City buildings.

Review Office of the Municipal Counselor.

Recommendation: Ordinance be adopted.