

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your

ARTS, PARKS, HEALTH AND AGING

Committee

reports as follows:

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT and ORDINANCE relative to amending the Los Angeles Municipal Code to prohibit smoking in outdoor dining areas.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE to amend Chapter IV of the LAMC to prohibit smoking in outdoor dining areas.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

At its regular meeting held on December 8, 2009, the Arts, Parks, Health and Aging Committee considered a City Attorney report and Ordinance, in response to Motion (Smith – Zine), relative to amending the LAMC to prohibit smoking in outdoor dining areas. A representative of the City Attorney provided an overview of the Ordinance provisions to the Committee and requested clarification from the Committee on several provisions and conditions. A representative of Council District 12 provided additional background information. After further discussion and an opportunity for public comment, the Committee recommended various changes to the Ordinance. The Committee instructed the City Attorney to prepare and present a revised Ordinance incorporating these changes directly to Council.

The City Attorney reports that the revised Ordinance would amend the City's primary no-smoking law, LAMC Section 41.50 by amending Section 41.50A to enumerate the existing paragraphs, and then add a new paragraph 7 defining "outdoor dining area". It would also amend Section 41.50.B to add a new subsection 18 regarding outdoor dining areas. This new subsection would prohibit smoking in outdoor dining areas, and create an exception for outdoor areas contiguous to bars, nightclubs that require that their patrons be 18 or older, and buildings hosting private events that are completely closed to the public. It would also establish a one year public education grace period during which time affected businesses would be required to post customer education notices which they would be encouraged but not required to keep posted for a reasonable period after the grace period ends. During the grace period, the ordinance's no-smoking and permanent signage provisions would not be enforced. The new subsection would also adapt the permanent "no smoking" signage requirements of Section 41.50 to meet the differing conditions of outdoor dining, and establish that violations of any of the new provisions are infractions. Maximum fines for violating any of the new provisions would be two hundred and fifty dollars, as provided by state law. These changes are described in further detail in the City Attorney report dated January 8, 2010, attached to the Council file. This matter is now submitted to Council for its consideration.

Respectfully submitted,
ARTS, PARKS, HEALTH AND AGING COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
LABONGE:	YES
WESSON:	ABSENT
REYES:	YES

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