

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

JUNE LAGMAY
City Clerk

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Executive Officer

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CITY CLERK

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KONRAD CARTER
Acting Chief, Council and Public Services
Division

www.cityclerk.lacity.org

January 27, 2010

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council file No.

08-1544, at its meeting held January 20, 2010.


City Clerk
kw

TIME LIMIT FILES
ORDINANCES

MAYOR'S TIME STAMP OR
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2010 JAN 22 AM 11:43
CITY OF LOS ANGELES

FORTHWITH

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2010 JAN 22 AM 11:41
CITY CLERK
BY _____
DEPUTY

COUNCIL FILE NUMBER 08-1544 COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE JANUARY 20, 2010 LAST DAY FOR MAYOR TO ACT FEB 01 2010

ORDINANCE TYPE: Ord of Intent Zoning Personnel General

Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: AMEND CHAPTER IV OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT
SMOKING IN OUTDOOR DINING AREAS

	APPROVED	DISAPPROVED	
PLANNING COMMISSION	_____	_____	BY _____ CITY CLERK DEPUTY
DIRECTOR OF PLANNING	_____	_____	
CITY ATTORNEY	<u>X</u>	_____	
CITY ADMINISTRATIVE OFFICER	_____	_____	
OTHER	_____	_____	

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2010 JAN 26 PM 3:41
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DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO _____
(*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR JAN 26 2010 ORDINANCE NO. 181065

DATE PUBLISHED _____ DATE POSTED JAN 27 2010 EFFECTIVE DATE MAR 08 2010

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES NO

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, pursuant to Motion (Smith – Zine), 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.

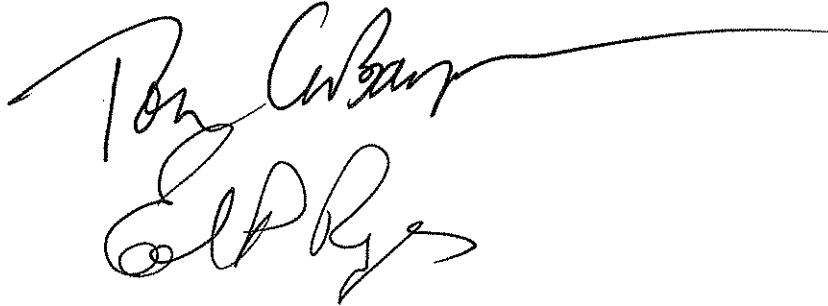
SUMMARY

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

Handwritten signatures of Ron Ceban and Ed Reyes. Ron Ceban's signature is written in a cursive style with a long horizontal line extending to the right. Ed Reyes' signature is also in cursive, positioned below Ceban's.

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

ep
08-1544_rpt_apha_1-11-10

Not Official Until Council Acts

ADOPTED

JAN 20 2010

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

MAYOR WITH FILE