

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: June 18, 2009

CALENDER NO. 27,550

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER HEAD

AN ORDINANCE to amend and reordain Article II of Chapter 66 of the Code of the City of New Orleans to add definitions thereto, to add new sections thereto, designated as Sections 66-75, 66-76, and 66-77, to establish spacing restrictions relative to the sale of tobacco products; and to provide otherwise with respect thereto:

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, that Article II of Chapter 66 of the Code of the City of New Orleans be and the same is hereby amended and reordained to read as follows:

“ARTICLE II. CLEAN INDOOR AIR ACT

Sec.66-36. Definitions.

Tobacco Product means any product(s) that is used to consume tobacco or any product that contains any tobacco leaf, including but not limited to: cigarettes, cigars, cigarillos, blunts, snuff, creamy snuff, dipping/chewing tobacco, flavored tobacco, tobacco water, tobacco paste, gutka, kretek, shisha, roll-your-own cigarettes, cigarette or cigar rolling papers, or pipes.

Tobacco Retailer means any person, retail establishment, or any other legal entity who knowingly sells, donates, distributes, or delivers to any person(s), for any form of consideration, tobacco products.

Sec. 66-75. Restrictions as to property near schools, churches, etc.

It is hereby declared that the sense and policy of this section is that no tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s), for any form of consideration, tobacco products within 1,000 feet of any playground, church, public

20 library, school, or any childcare facility or similar entity providing structured, organized
21 care for youth.

22 **Sec. 66-76. How distance measured.**

23 (a) The 1,000-foot distance provided for in section 66-75 shall be measured as a person
24 walks, using the sidewalk, from the nearest point of the property line of the playground,
25 church, public library, school, or childcare facility or similar entity providing structured,
26 organized care for youth, to the nearest point of the tobacco retailer.

27 (b) Any tobacco retailer lawfully operating such business prior to the adoption of Sec.
28 66-75 and this section shall not be affected.

29 (c) If a tobacco retailer has an interruption of the continuity of business for a period in
30 excess of six months, in order to reopen for business, the requirements set forth above
31 must be complied with.

32 **Sec. 66-77. Retail cigarette outlets are prohibited in residential and park districts.**

33 No tobacco retailer shall be permitted to establish or open in any residential district or
34 park and recreation district of the city as defined in the comprehensive zoning ordinance
35 of the city, as now or hereafter amended. The provisions of this section shall not be
36 construed to apply to any premises which, at the time of the passage of this section, were
37 lawfully operating as tobacco retailers.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS:

NAYS:
ABSENT: