CITY OF SOUTHGATE, KENTUCKY
ORDINANCE NO. 26-17

AN ORDINANCE OF THE CITY OF SOUTHGATE, CAMPBELL COUNTY, KENTUCKY CREATING AND ADOPTING CHAPTER 134 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING, THE USE OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES/VAPOR PRODUCTS IN ALL ENCLOSED CITY-OWNED OR OPERATED BUILDINGS OR STRUCTURES

AN ORDINANCE pertaining to the public health, regulating smoking in all enclosed city-owned buildings or structures within the City of Southgate, and providing a penalty for the violation of the provisions of this Ordinance.

Pursuant to Kentucky Revised Statutes, KRS 61.165 and related administrative regulations, the City of Southgate, Kentucky, hereby adopts the following smoking ban for governmental buildings and structures owned and/or operated by the City of Southgate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHGATE, KENTUCKY THAT:

The City of Southgate Code of Ordinances Chapter 134 is hereby created as follows:

SECTION I

§ 134.01: The title of Chapter 134.01 shall be **TOBACCO USE, SMOKING AND VAPING IN CITY-OWNED BUILDINGS PROHIBITED**

SECTION II

§ 134.02 shall read as follows:

(A) Pursuant to KRS 61.165 (3)(b) the City hereby prohibits indoor smoking in all city-owned buildings.

(B) Smoking is defined as the inhaling, exhaling, burning, heating, or carrying of any lighted, heated, or electronic product containing tobacco, tobacco products or substances, cannabis, or alternative plant-based substances intended for inhalation. Smoking shall include but not be limited to use of cigarettes, cigarette products, cigars, pipes, hookahs, e-cigarettes, vapes, and battery-powered vaporizers.

(C) The term "smoking" shall also include the carrying or holding of a lighted cigarette, cigar, pipe, cigarette product, hookahs, e-cigarettes, vapes, and/or any battery powered vaporizers that contain tobacco, tobacco products or substances, cannabis, or alternative plant based substances

(D) Tobacco Product includes any item containing tobacco leaf, or derived nicotine intended for human consumption via chewing, smoking, absorption or vaping

(E) Electronic Smoking Device/Vapor Product means any noncombustible device (i.e. e-cigarettes, vapes, pens and e-pipes, or any other pipe) that uses a mechanical element or battery to deliver an aerosol or vaporized nicotine or plant solution

(F) Smoking, Use of Tobacco Products, and/or Electronic Smoking Devices or Products, or Vapor Products are prohibited within the confines of any city-owned or operated building or structure

(G) The city may take the following reasonable steps to make persons aware of the smoking prohibition in city-owned buildings:

(1) Posting of "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, in a clear and conspicuous location in publicly accessible portion(s) of the building or structure;

(2) Removal of all ashtrays from any area in which smoking is prohibited.

(3) The City's failure to post signs or remove ashtrays in accordance with Sections (1) and/or (2) or to replace missing signage shall not negate, defeat, nor diminish the City's authority to enforce the no smoking ban under this Ordinance

(H) Enforcement

(1) In the event any City employee observes a person or persons violating this section, or receives a report of such, he/she shall immediately direct the person or persons to discontinue smoking

(2) In the event that the person or persons violating this section fails or refuses to comply with the directive to discontinue smoking, the employee shall take immediate and reasonable steps to obtain the removal of the person or persons from the premises, including, but not limited to, assistance of law enforcement personnel. The person or persons violating this section may be allowed re-entry into the building or structure upon discontinuance of smoking within the confines of the building or structure.

(I) Violations and penalties

(1) A person(s) who smokes in any city-owned building or structure shall be guilty of a violation, punishable by a fine non exceeding $50.00. Notice of any violation and enforcement proceedings and appeals shall be pursuant to Chapters 32.47-32.50 of the City Code of Ordinances.

(2) Violation of this section is declared to be a public nuisance, which may be abated by the city or its agents by restraining order, preliminary injunction or any other means provided for by law

SECTION III

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION IV

If any sentence, clause, section or part of this Ordinance or the application thereof to any particular situation, is for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION V

This Ordinance shall take effect and shall be in full force and effect upon its enactment by the City Council and publication as required by law.

SECTION VI

This Ordinance may be read in summary form and published in summary form by alternative internet publication pursuant to Kentucky law.
Adopted this 21st day of October, 2026

By: _____
James Hamberg, Mayor
City of Southgate

Attest:
Brandi Barton
Brandi Barton, City Clerk

1st Reading – 9/16/26
2nd Reading – 11/4/26