

Ordinance No. 2009- 6E

AN ORDINANCE AMENDING THE SMOKE FREE WORKPLACE ORDINANCE

Be It Ordained by the Board of Commissioners of Hancock County, Indiana, That

Section I

Section 91.51 of Chapter 91 of Title IX of the Hancock County Code is amended as follows:

§ 91.51 SMOKING PROHIBITED.

(A) Except as provided in subsection (C), no person shall smoke in public places and/or places of work/employment, in addition to, but not limited to, the following:

- (1) Aquariums, galleries, libraries and museums.
- (2) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
- (3) Bars.
- (4) Bingo facilities.
- (5) Buildings and grounds owned by Hancock County, Indiana, or any department, agency or subdivision thereof.
- (6) Convention facilities.
- (7) Elevators.
- (8) Facilities, primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.
- (9) Health care facilities.
- (10) Licensed childcare and adult day care facilities.
- (11) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (12) Membership Clubs.
- (13) Polling places.
- (14) Public transportation facilities, including buses and taxicabs, under the authority of Hancock County, Indiana, and ticket, boarding, and waiting areas of public transit depots.
- (15) Restaurants.
- (16) Restrooms, lobbies, reception areas, hallways, and other common use areas.
- (17) Retail stores of whatever nature.
- (18) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of Hancock County, Indiana, or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of Hancock County, Indiana.
- (19) Schools.
- (20) Services lines.
- (21) Shopping malls.

(22) Sports arenas, including enclosed places in outdoor arenas.

(B) To ensure that tobacco smoke does not enter public places and places of work/employment and that persons entering such places are not exposed involuntarily to tobacco smoke, smoking is prohibited within twenty-five (25) feet of entrances, exits, open windows and ventilation intakes of public places and places of work/employment.

(C) The prohibitions of this Section do not apply to:

(1) Private residences, except when used as a licensed day care, adult day care or health care facility.

(2) Motor vehicles.

(3) Sleeping rooms of hotels and motels which are rented to guests.

(4) Outdoor dining areas of restaurants that have no direct exit from the premises and where the nearest seating is at least 10 feet from the entrance to the smoke free area.

Section II

Section 91.52 of Chapter 91 of Title IX of the Hancock County Code is amended as follows:

§ 91.52 RESPONSIBILITIES OF PROPRIETORS.

(A) Notwithstanding any other provision of this Ordinance, an owner, operator, manager, proprietor, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place by placing a sign conforming with the requirements of Section IV below.

(B) Ensure that ashtrays, lighters and matchbooks are not provided in areas where smoking is prohibited, except that there may be a device to dispose of smoking materials located directly outside of the entrances.

(C) Ask any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, ask the person to leave and use any other means which may be appropriate to obtain compliance.

(D) Notwithstanding the above, an employer, owner or operator may designate a smoking area not less than twenty-five (25) feet from any entrance.

Adopted this 22 day of June, 2009.

Board of Commissioners
Hancock County, Indiana

Attest 
Hancock County Auditor


President



