

Warrick County Ordinance #2013- 18

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY AMENDING SECTION 39.02
OF THE WARRICK COUNTY, INDIANA CODE OF ORDINANCES**

WHEREAS, Section 39.02 of the Warrick County, Indiana Code of Ordinances (hereinafter “Code of Ordinances”) currently prohibits smoking in all facilities owned, leased, operated or occupied by the County Board of Commissioners or any other county department, agency or office (“County Property”); and

WHEREAS, the Board of Commissioners of Warrick County, Indiana (“County Commissioners”) is aware that exposure to secondary tobacco smoke may be harmful to a person’s health; and

WHEREAS, certain persons needing to use public governmental buildings under the jurisdiction of the County Commissioners may have health problems requiring a “smoke free” environment; and

WHEREAS, persons needing sidewalk, stairway or handicap access to or egress from public governmental buildings are sometimes unable to circumvent an area in which a person is smoking while on County Property; and

WHEREAS, I.C. 7.1-5-12-13(a) expressly indicates that 7.1-5-12 *et seq.* does not prohibit county governmental units from adopting an ordinance more restrictive than said chapter; and

WHEREAS, I.C. 36-1-3 *et seq.* I.C. 36-1-4-11 authorizes the County Commissioners to establish reasonable regulations for the protection of the health and property of its residents; and

WHEREAS, the Code of Ordinances as it relates to the subject matter addressed herein, is in need of particular amendments.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows:

1. Section 39.02 of the Code of Ordinances of Warrick County is hereby amended as follows:
 - a. Subsection (A) of Section 39.02 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(A) To protect the health and safety of county employees, patrons, visitors, the general public and pursuant to I.C. 7.1-5-12, the Commissioners have determined that smoking shall be prohibited in, and within thirty (30) feet of any entrance to and exit from, any and all facilities owned, leased, operated or occupied by the County Board of Commissioners or any other county department, agency or office. Smoking shall also be prohibited on all County owned stairways, ramps and sidewalks providing access to the foregoing facilities.”

b. Subsection (B) of Section 39.02 of the Code of Ordinances of Warrick County is amended to read as follows:

“(B) The public official in charge of each facility described in subsection (A) of this section shall post at each entrance that read ‘County Ordinance Prohibits Smoking within 30 Feet of this Entrance.’”

c. Subsection (D) of Section 39.02 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(D) A person who smokes in an area where smoking is prohibited by this section commits prohibited smoking, a Class B infraction. However, a person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class A infraction if the person has been adjudged to have committed at least three (3) prior unrelated infractions under this section or IC 16-41-37-4 (before its repeal).”

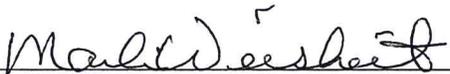
2. All other provisions of Section 39.02 of the Code of Ordinances of Warrick County not inconsistent herewith shall remain in full force and effect.
3. This ordinance shall become effective thirty (30) days subsequent to passage and publication.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, STATE OF INDIANA THIS 24th DAY OF JUNE, 2013.

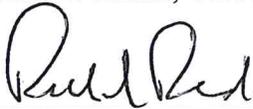
BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA



Don Williams, President

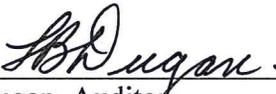


Marlin Weisheit, Vice President



Richard Reid, Commissioner

ATTEST:



L.B. Dugan, Auditor
Warrick County, Indiana