

* NOTE: 39.02 SHOULD BE 39.03.
RE.

COPY

ORDINANCE 2020-01

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA, AMENDING SECTION 39.03 OF
THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA

WHEREAS, Section 39.02 of the Warrick County, IN Code of Ordinances currently prohibits smoking in, and within thirty (30) feet of any entrance to and from, any and all facilities owned, leased, operated, or occupied by the Board of Commissioners of Warrick County or any other Warrick County department, agency, or office, as well as on all stairways, ramps, and sidewalks owned by Warrick County providing access to the such facilities;

WHEREAS, Ind. Code 7.1-5-12-13 authorizes the Board of Commissioners of Warrick County, Indiana, to adopt ordinances prohibiting smoking in or within certain distances of public places; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana, desires to amend Section 39.03 of Warrick County, IN Code of Ordinances to prohibit the consumption of tobacco products through the use of electronic smoking devices; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, that Section 39.02 of the Warrick County, IN Code of Ordinances is hereby amended in its entirety and replaced as follows:

§ 39.02 NO SMOKING AREAS.

(A) *Definitions*. The following words and phrases, whenever used in this Section, shall be construed as defined below:

Electronic Smoking Device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "Electronic Smoking Device" includes, without limitation, any such device, whether manufactured, distributed, or sold, as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Smoking means the inhaling, exhaling, burning, or carrying of any lighted or heated cigarette, cigar, pipe, electronic smoking device, or any other lighted or heated tobacco product or plant product intended for inhalation, including hookah and marijuana, in any manner or in any form.

(B) To protect the health and safety of Warrick County employees, patrons, visitors, and the general public, pursuant to Ind. Code 7.1-5-12, *et seq.*, 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 Board of Commissioners of Warrick County or any other Warrick County department, agency, or office. Smoking shall also be prohibited on all stairways, ramps, and sidewalks owned by Warrick County which provide access to the foregoing facilities.

- (C) The Warrick County public official in charge of each facility described in subsection (B) shall post at each entrance "County Ordinance Prohibits Smoking Within 30 Feet of this Entrance."
- (D) An employee who violates this § 39.02 shall be subject to disciplinary action, up to and including termination of employment.
- (E) Pursuant to Ind. Code 7.1-5-12-8, a person who smokes in an area where smoking is prohibited by this § 39.02 commits prohibited smoking, a Class B infraction. Notwithstanding the foregoing, a person who smokes in an area where smoking is prohibited by this § 39.02 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 Ind. Code 16-41-37-4 (before its repeal).
- (F) The enforcement of this § 39.02 shall be the responsibility of the Warrick County elected officials, department heads, Board of Commissioners, County Administrator, and the Warrick County Sheriff and his or her deputies.

Penalty, see § 39.99

The above ordinance is passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 27th day of January, 2020.

BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA



Dan Saylor, President



Robert H. Johnson, Jr., Vice President



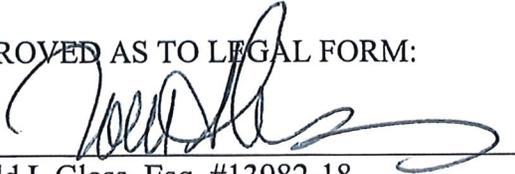
Terry J. Philippe, Member

ATTEST:



Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:



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