

ORDINANCE NO. 2009 - 11

AN ORDINANCE REGULATING THE USE OF TOBACCO  
PRODUCTS AND THE DESIGNATION OF TOBACCO  
FREE AREAS ON HUNTINGTON COUNTY PROPERTY

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second hand smoke (also known as environmental tobacco) and the use of tobacco products is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, the Surgeon General has determined that the simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to second hand smoke. The Environmental Protection Agency has determined that second hand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors and smoke, do not eliminate the known toxins in second hand smoke; and

WHEREAS, pursuant to Indiana Code 36-8-2-4, the Huntington County Commissioners have the authority to regulate conduct that might endanger public health, safety or welfare; and

WHEREAS, Indiana Code 36-8-2-5 provides that the Huntington County Commissioners may provide health and community services to persons and may impose restrictions upon persons that might cause others persons to be injured or contract diseases; and

WHEREAS, Indiana 36-8-2-8 provides that the Huntington County Commissioners may regulate the introduction of any substance or odor into the air; and

WHEREAS, pursuant to Indiana Code 36-1-3 et.seq. it is the policy of the State of Indiana to grant to governments all the power that they need for the effective operation of government as to local affairs; and

WHEREAS, the Huntington County Commissioners have the opportunity to promote good health and the duty by Indiana Code to protect the general public from acts and conditions which are deleterious to the public health.

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

Section 1. Designation of Tobacco Free Areas.

Effective January 1, 2010, smoking and the use of tobacco products is prohibited on all Huntington County real estate, and in all Huntington County government buildings either owned or leased by Huntington County and in all Huntington County owned or leased vehicles.

Section 2. Enforcement.

The Huntington County Sheriff's Department or the Huntington County Health Officer may enforce the provisions of this Ordinance by issuance of a written citation to those persons charged with its violation. Any person issued a written notice of violation of this Ordinance shall, within ten (10) days, pay the penalty described below to the Huntington County Ordinance Violations Bureau in the Huntington County Clerk's office.

In the event that the penalty is not paid within the prescribed period, the matter shall be referred to the county attorney for prosecution.

In lieu of issuing a citation, the enforcement officer may, in his or her discretion,

issue a warning to persons advising them of their violation of this Ordinance, and subsequently shall not require payment of the penalty unless there is a subsequent violation of this Ordinance within a one (1) year period.

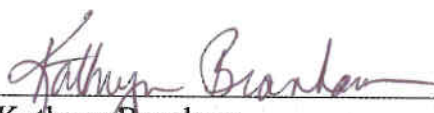
Section 3. Penalty.

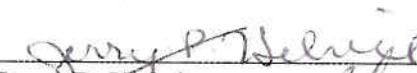
Any person who violates any provision of this Ordinance shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not more than Twenty-five Dollars (\$25.00) for the first violation, not more than One Hundred Dollars (\$100.00) for the second violation, and not more than Two Hundred Dollars (\$200.00) for each subsequent violation.

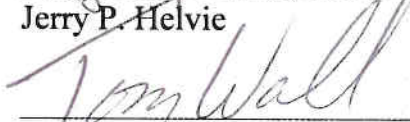
Any person in violation of this Ordinance shall be liable to Huntington County for any expenses and costs.

Dated this 29th day of June, 2009.

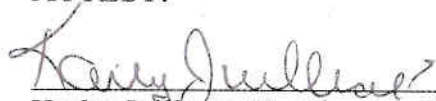
BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA

  
Kathryn Branham

  
Jerry P. Helvie

  
Tom Wall

ATTEST:

  
Kathy Juillerat, Huntington County Auditor