ORIGINAL

ORDINANCE 2016-05

AN ORDINANCE AMENDING ORDINANCE 2008-12
TO PROHIBIT SMOKING ON ALL TOWN-OWNED PROPERTY

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Whitestown" or "Town") previously adopted Ordinance No. 2008-12, An Ordinance Regulating Smoking in Public Places and Places of Employment, as amended from time to time ("Ordinance 2008-12"); and

WHEREAS, the Indiana General Assembly has further enacted IC § 7.1-5-12 to prohibit smoking in public places and places of employment; and

WHEREAS, IC § 7.1-5-12-13 permits a local government unit to adopt more restrictive regulations for smoking related activities; and

WHEREAS, Ordinance 2008-12 currently prohibits smoking, including the use of electronic cigarettes, in all enclosed facilities owned by the Town; and

WHEREAS, the Town Council has determined that in order to promote the general health, safety, and welfare of the Whitestown community, it is in the best interest of Whitestown to now prohibit smoking, including the use of electronic cigarettes, on all Town-owned property, both within and outside of enclosed areas.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

1. Smoking, as well as the inhalation or exhalation of vapors or other substances from electronic cigarettes, is prohibited on all Town-owned property and within all Town facilities, including Town vehicles, whether or not they are occupied by more than one person. Such prohibition includes, but is not limited to, smoking or the use of electronic cigarettes at Whitestown parks and trails.

2. Consistent with Section 1 of this Ordinance, Section 1.02 of Ordinance No. 2008-12 is hereby amended and restated as follows:

> **Sec. 1.02. Town-Owned Property and Facilities; Electronic Cigarettes**
>
> Smoking, as well as the inhalation or exhalation of vapors or other substances from electronic cigarettes, is prohibited on all Town-owned property and within all Town facilities, including Town vehicles, whether or not they are occupied by more than one person. Such prohibition includes, but is not limited to, smoking or the use of electronic cigarettes at Whitestown parks and trails.

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3. "No Smoking" signs on Town-owned property should be updated consistent with this Ordinance.

4. A person who smokes or uses an electronic cigarette where prohibited by this Ordinance shall be guilty of an infraction, punishable by a fine of fifty dollars ($50).

5. This Ordinance shall be enforced as set forth in Ordinance 2008-12.

6. The amendments set forth herein shall supersede any inconsistent provision in Ordinance 2008-12. However, all other portions of Ordinance 2008-12 shall remain in full force and effect. The paragraphs, sentences, definitions, and words of this Ordinance are separable, and this Ordinance is separable from Ordinance 2008-12. If a court of competent jurisdiction hereof declares any portion of this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of this Ordinance or Ordinance 2008-12.

7. This Ordinance shall be effective immediately upon its adoption and any publication as may be required by law.

[Signatures on next page]

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Introduced on Feb. 10th, 2016, and adopted by the Town Council of the Town of Whitestown, Indiana, on February 10th, 2016.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice President	Yes
Kevin Russell	YAY
Clinton Bohm	Yay
Jeffrey Wishek	yay

ATTEST:

Shannon Metzger

~~Amanda Andrews, Clerk-Treasurer~~
Town of Whitestown, Indiana

2920700 Shannon Metzger, Deputy Clerk