

ORDINANCE NO. 3772

**AN ORDINANCE PROHIBITING SMOKING IN PUBLIC BUILDINGS
AND ON PUBLIC PROPERTY OWNED AND/OR MANAGED BY THE
CITY OF NEW CASTLE, INDIANA**

WHEREAS, it has been determined that smoking tobacco is a major cause of cancer, lung disease and adversely impacts an individual's health. It has further been established that second hand smoke resulting from the use of tobacco products has a demonstrated adverse impact on human health; and,

WHEREAS, it is within the authority of the government of the City of New Castle to protect the public health, safety and welfare; and,

WHEREAS, the Council has an obligation to provide its citizens with public places that do not expose them to harm.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of New Castle that the following regulations exist regarding the use of tobacco products on property owned, maintained or managed by the City of New Castle:

I. Prohibition. Smoking shall be prohibited from all property whether enclosed or open air that is owned, maintained, or managed by the City of New Castle. More specifically, smoking shall be prohibited from the following:

- (a) All structures owned by, maintained by, or managed by the City of New Castle, Indiana. This would include, but is not limited to all City offices, all City Department buildings, all Police Department facilities, all Fire Department facilities, all park shelter houses, all City owned restrooms, the City Bus Department, the City Cemetery Office, all structures located in public parks, all City garages and within twenty-five (25) feet of any entrance thereto.
- (b) Smoking shall be prohibited on all City park land.
- (c) Smoking shall be prohibited at the Aquatic Center at Baker Park, the City's Skate Park, all horseshoe facilities at City parks, all basketball courts at City parks, all baseball diamonds and softball diamonds at City parks, all tennis courts at City parks, all playgrounds on City parks, the pickle ball court, in all park shelter structures, and all other City park lands or facilities.
- (d) Smoking shall be prohibited at South Mound Cemetery and the West Lawn addition thereof.
- (e) Smoking shall be prohibited at the New Castle Armory.
- (f) Smoking shall be prohibited at the Senior Center and Community Center located at the Southeast corner of Main Street and Broad Street.
- (g) Smoking shall be prohibited in all City owned vehicles.

II. Enforcement.

- (a) Any person violating this ordinance shall first be asked to extinguish their cigarette, cigar, e-cigarettes or pipe. If the individual refuses to do so, the individual shall be asked to leave the City premises. If the individual refuses to leave the City owned property, the individual will receive a citation to appear before the New Castle City Court. If the violator refuses to stop smoking and refuses to leave the City Property, or engages in repeated violations, he/she shall be removed from City property by law enforcement officers or other properly identified City officials and shall be considered trespassers.

Such violations shall be subject to criminal prosecution for trespass.

(b) Fines.

- (1) For the first offence a person shall receive a fine of \$50.00.
- (2) For the second offence and all subsequent offenses, the person shall receive a fine of \$100.00.

III. Exceptions.

- (a) Nothing herein shall prohibit an individual from smoking in a privately owned vehicle provided such activity is permitted by the owner thereof.
- (b) City employees may smoke in designated outdoor employee smoking areas.

IV. Posting. All City properties and vehicles shall be posted with a sign indicating that smoking is prohibited.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective upon passage and publication as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS ____ DAY OF _____, 2017.

Greg York, Presiding
Officer, Common Council, City
of New Castle, Indiana

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APPROVED BY ME THIS ____ DAY OF _____, 2017.

Greg York, Mayor of the City
Of New Castle, Indiana

ATTEST:

Clerk-Treasurer