

ORDINANCE NO. 3886

AN ORDINANCE PROHIBITING SMOKING IN 1400 PLAZA

WHEREAS, the City of New Castle has the authority to enact ordinances to promote the public health, safety and welfare; and

WHEREAS, the City has constructed an open air public event space in downtown New Castle known as 1400 Plaza that is used for hosting farmers markets, fairs, contests, concerts and other events; and

WHEREAS, in addition to the widely recognized harmful effects of exposure to second hand smoke, the use of cigarettes and other products that produce smoke creates discomfort for persons attending events at 1400 Plaza; and

WHEREAS, Chapter 130 of the City Code should be amended to prohibit smoking within 1400 Plaza and to provide a penalty for violating its provisions.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA, AS FOLLOWS:

1. A new Section 130.06 shall be added to the City Code and shall read as follows:

130.06 Smoking Prohibited in 1400 Plaza

(A) Definitions. *For purposes of this Section 130.06, the terms below are defined as follows:*

“1400 Plaza” –the open- air public event space located between South 14th Street, South 15th Street, Race Street and Broad Street.

“smoking” – the carrying or holding of a lighted cigarette, cigar, pipe or other lighted smoking equipment, the use of an electronic cigarette, or the inhalation or exhalation of smoke from any lighted smoking equipment.

(B) Smoking Prohibited. *Smoking is prohibited in 1400 Plaza.*

(C) Penalty. *A person violating this Ordinance shall be fined an amount of no less than Twenty- Five Dollars (\$25.00). Any person who commits a subsequent violation of this Ordinance within twelve (12) months shall be fined in an amount of no less than Fifty Dollars (\$50.00) for each subsequent violation.*

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS
____ DAY OF _____, 2022.

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

AYE

NAY

ATTEST:

Brenda Grider, Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2022.

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