

ORDINANCE NO. 21-08

**THIS ORDINANCE REPEALS AND REPLACES CHAPTER 42 “ENVIRONMENT”,
ARTICLE 1 OF THE MUNICIPAL CODE**

BE IT, AND IT HEREBY IS, ORDAINED by the Common Council of the City of Portage, Indiana as follows:

ARTICLE 1. NON-SMOKING AREAS

SECTION 42-1. DEFINITIONS.

The following definitions shall be applicable for purposes of this article.

City means the City of Portage, Indiana.

Public Building means an enclosed structure or partially enclosed structure that is owned, leased or occupied by the City or its agencies.

Public Place means any outdoor area that is outside a public building, **except** where a designated smoking area is clearly indicated. Any park within the city limits, **except** where there may be a designated smoking area that is clearly indicated and **except** any parking lot, street or sidewalk within the park.

Vehicle means any City owned or leased vehicle.

Smoking means the inhalation or exhalation of smoke from a lighted cigarette, cigar, pipe or any other lighted smoking equipment or device which includes any electronic cigarette.

SECTION 42-2. PROHIBITION OF SMOKING IN PUBLIC BUILDINGS.

Smoking shall be prohibited in the City in all public buildings as defined by Section 42-1.

SECTION 42-3. PROHIBITION OF SMOKING IN PUBLIC PLACES.

Smoking shall be prohibited in all public places as defined by Section 42-1, unless there is a specifically designated smoking area that has been clearly established and identified by the City. Any designated smoking area must be at least 8 feet from any entrance or exit of any public building as defined in Section 42-1. An appropriate container shall be provided and maintained by the City at such locations where smoking is allowed outside of a public building in order to avoid the accumulation of cigarettes and ash. Smoking **is not** prohibited in any parking lot, sidewalk or street within a public park

SECTION 42-4. PROHIBITION OF SMOKING IN CITY VEHICLES.

Smoking shall be prohibited in all city leased or owned vehicles.

SECTION 42-5. POSTING OF SIGNS.

The official in charge of any public building shall post conspicuous signs that read “Smoking is prohibited within eight (8) feet of this entrance or exit pursuant to the City of Portage Municipal Code”. The official in charge of any area that the City deems to be a valid designated smoking area outside of a public building, shall post a conspicuous sign that reads “Designated Smoking Area”.

SECTION 42-6. VIOLATIONS AND PENALTIES.

- (a) The official in charge of a public building, place or vehicle shall request anyone in violation of this article to cease smoking and may remove anyone who fails to comply.
- (b) A person who violates Section 42-2, 42-3 or 42-4 shall be subject to a fine as provided by Section 1-16 of the City’s Municipal Code.

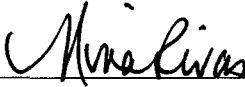
SECTION 42-7. OTHER APPLICABLE LAWS.

This chapter shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws. This chapter shall also not be interpreted to prohibit any other property owner from imposing any smoking ban that is more restrictive than this chapter.

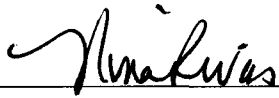
PASSED AND ADOPTED by the Common Council of the City of Portage, Indiana, on the 3rd day of August, 2021.


Presiding Officer

ATTEST:


Nina Rivas
Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this 9th day of August, 2021.


Nina Rivas
Clerk-Treasurer

Approved by me, the Mayor of the City of Portage, Porter County, Indiana, this 9th day of August, 2021.


Sue Lynch
Mayor