

ORDINANCE No. 07- 01

AN ORDINANCE TO AMEND THE HUDSON, INDIANA, CODE PROVIDING FOR THE PROHIBITION OF TOBACCO USE IN THE TOWN HALL

WHEREAS, the establishment of a prohibition on the use of tobacco products within the Town Hall will lead to a cleaner environment for the public; and

WHEREAS, the Town Council of the Town of Hudson endeavors to insure that all persons conducting business or visiting the public places in the Town Hall should enjoy using the Town's amenities and to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco use; and by affirming and promoting the family-friendly atmosphere of the Town's primary public place.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HUDSON, INDIANA that the Hudson Code is hereby amended by adding the following provisions:

SECTION 1. This Ordinance shall be commonly known as the Hudson No Tobacco Use Ordinance.

SECTION 2. Prohibition of Tobacco Use in the Town Hall.

Tobacco use shall be prohibited in any public space in the Town Hall, including, but not limited to, the Community Center, public meeting areas, offices, and rest rooms. Except as otherwise provided, tobacco use shall be prohibited in all enclosed public places within the Town Hall of Hudson. Notwithstanding the foregoing prohibition, the Town Manager of the Town of Hudson will provide a location for tobacco use outside Town Hall and on Town owned grounds that shall be a designated tobacco use area to be used by visitors and by employees of the Town during a permissible work break. Such a designated location shall meet the conditions of Section 4 hereof. An appropriate container shall be provided by the Town at such location in order to avoid the accumulation of trash and debris and cigarette residue.

SECTION 3. Reasonable Distance. Tobacco use may occur at a reasonable distance outside the Town Hall in any area where tobacco use is permitted to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or any other means. It shall be a violation for smoke to be detected in any area where tobacco use is prohibited.

SECTION 4. Posting of Signs – Removing of Paraphernalia

- a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently, and conspicuously posted in the Town Hall.
- b) Every entrance of the Town Hall shall have posted a conspicuous sign clearly stating that smoking is prohibited.
- c) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this ordinance.

SECTION 5. Duty of Employee of the Town, Town of Hudson, or Persons on or using Town Facilities.

- a) No Employee of the Town or person on or using the Town Hall and its facilities shall knowingly permit the use of Tobacco Products in an area which is under the legal or actual control of the Employee of the Town, the Town of Hudson, or Person on or using the Town Hall and in which Tobacco use is prohibited by ordinance.

- b) No Employee of the Town, the Town of Hudson, or Person on or using the Town Hall facilities shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area which is under the legal or actual control of the Employee of the Town, the Town of Hudson, or Person on or using the facilities and in which Tobacco use is prohibited.

SECTION 6. Enforcement.

- a) Enforcement of this ordinance shall be implemented by any of the employees of the Town.
- b) Any citizen who desires to register a complaint under this ordinance may initiate enforcement with the Town Marshal for the purpose of enforcing compliance herewith.

SECTION 7. Violations and Penalties.

Any person who violates any provision of this chapter shall be subject to a fine of One Hundred Dollars (\$100.00) for each violation of this ordinance, which shall be processed through the Ordinance Violation Bureau. If, after multiple violations by the same person or at the same location, the Town has reason to believe that the fines will not be effective in enforcing this chapter, then the Town Attorney is empowered to seek any other remedies provided by law.

SECTION 8. Other Applicable Laws. This chapter shall not be interpreted or construed to permit tobacco use where it is otherwise restricted by other applicable laws.

SECTION 9. Severability. If any sections, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

BE IT FURTHER ORDAINED that after passage of this Ordinance and any publication required by law, the Town shall erect signs as necessary.

This Ordinance shall be in full force and effect from and after its passage by the Town Council and any legal publication necessary.

PASSED AND ADOPTED this 21st day of September, 2007.

//signed//
Sean Walker, President, Town Council

//signed//
Brian Hayes, Member

//signed//
Gene Hamm, Member

ATTEST:

//signed//
Atta Hayes, Clerk-Treasurer