

**Ch. 18 - Smoke-Free Air Regulations for Workplaces and Public Places within the Town of Munster (proposed ordinance revision 2022-01-31)**

Existing TOM Code Section	<u>Existing Code Language</u> (Current Code sections affected by a proposed revision are situated in this chart relative to the Proposed New Language)	Proposed TOM Code Section	<u>Proposed New Language</u> (The Sections is organized in chronological order within the Chapter))
<i>Ch. 18 - Environment;</i>		<i>Ch. 18 - Environment;</i>	
18-51.	<i>Definitions.</i>	18-51.	<i>Definitions. - No revisions</i>
18-52.	<i>Prohibition of smoking in enclosed public places.</i> Except as provided in section 18-55, smoking shall be prohibited in all enclosed public places within the Town of Munster . . .	18-52.	<i>Prohibition of smoking in enclosed public places.</i> Except as provided in section <u>18-59</u> , . . .
18-53	<i>Prohibition of smoking in enclosed places of employment.</i> (a)Smoking shall be prohibited in all enclosed areas of places of employment without exception.	18-53	<i>Prohibition of smoking in enclosed places of employment.</i> (a) <u>Except as provided in section 18-59</u> , smoking shall be prohibited in all enclosed areas of places of employment.
18-54	<i>Reasonable distance.</i>	18-54	<i>Reasonable Distance.</i> <u>Except as provided in section 18-59</u> , smoking shall be prohibited within a reasonable distance of 15 feet outside entrances, open windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.
18-55	<i>Exemptions.</i> <i>Notwithstanding the smoking prohibitions in section 18-53, smoking is permitted in the following locations:</i> (a) <i>Private residences, unless used as a licensed childcare, adult day care or health care facility.</i> (b) <i>None of the areas set forth in this article shall be exempt from the provisions of this article if smoke from any area enters, either directly or indirectly, through entrances, windows, ventilation systems, or other means, where smoking is otherwise prohibited by this article.</i>	18-55	<i>Prohibition of smoking in outdoor public places.</i> <u>Except as provided in section 18-59</u> , smoking shall be prohibited in the following outdoor places: (a)Outdoor seating areas of restaurants, bars, private clubs, and businesses, except those seating areas restricted to individuals <u>21 years of age and older</u> . . . . ["Prohibition of smoking in outdoor public places" was previously § 18-56; "Exemptions" section moved to § 18-59]
18-56.	<i>Prohibition of smoking in outdoor public places.</i> (a)Outdoor seating areas of restaurants, bars, private clubs, and businesses, except those seating areas restricted to individuals over the age of 18 years of age.	18-56.	<i>Non-Retaliation.</i> <i>Deleted portion of title: "and non-waiver of rights"; Deleted subsection (b).</i> ["Non-Retaliation" section was previously 18-59; "Prohibition of smoking in outdoor public places" section moved to § 18-55]

18-57	<p><i>Removal of smoking paraphernalia and signage.</i></p> <p>All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control over the area.</p> <p>An owner, operator, manager, or official in charge of a public place or place of employment, except vehicles, shall post conspicuous signs at each entrance that read "The Town of Munster Prohibits Smoking Withing 15 feet of this Entrance."</p>
18-58	<i>Declaration of establishment as non-smoking.</i>

18-57	<p><i>Removal of smoking paraphernalia and signage requirement.</i></p> <p>(a) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control over the area.</p> <p>(b) Except as provided in section 18-59, an owner, operator, manager, or official in charge of a public place or place of employment, except vehicles, shall post conspicuous signs at each entrance that read "The Town of Munster Prohibits Smoking Withing 15 feet of this Entrance."</p>
18-58	Declaration of establishment as non-smoking. - No revisions

18-59	<p><i>Non-Retaliation and non-waiver of rights.</i></p> <p><i>(b) An employer who works in an outdoor area restricted to individuals over the age of 18 years of age where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.</i></p>	<p><i>Exemptions.</i></p> <p>(a) Notwithstanding the smoking prohibitions in <u>this article</u>, smoking is permitted in the following locations:</p> <ol style="list-style-type: none"> <li>1. (no change)</li> <li>2. An establishment owned or leased by a business that meets the following requirements: <ol style="list-style-type: none"> <li>a. The business prohibits entry by an individual who is less than twenty-one (21) years of age.</li> <li>b. The owner or operator of the business holds a beer, liquor, or wine retailer's permit.</li> <li>c. The business limits smoking in the establishment to cigar smoking.</li> <li>d. During the preceding calendar year, at least ten percent (10% of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.</li> <li>e. The person in charge of the business posts in the establishment conspicuous signs that display the message that <p>"The Town of Munster Prohibits Cigarette Smoking in this Establishment."</p> </li> <li>f. The person in charge of the business posts in the establishment conspicuous signs that display the message that <p>"The Town of Munster Allows ONLY Cigar Smoking in this Establishment."</p> </li> </ol> </li> </ol> <p>(b) Smoking in the exempt locations set forth in this section, as permitted, shall apply to all people, including patrons and employees, while inside or outside, so long as the person is lawfully on the property of or within the leased space of the exempt business.</p> <p>(c) This section does not allow smoking of any kind in the following enclosed areas of an establishment or premises described in subsection (a)2 above:</p> <ol style="list-style-type: none"> <li>1. Any hallway, elevator, or other common area where an individual who is less than twenty-one (21) years of age is permitted.</li> <li>2. Any room that is intended for use by an individual who is less than twenty-one (21) years of age.</li> </ol> <p>(d) The requirement to post signs at each public entrance prohibiting smoking within fifteen (15) feet of the public entrance per section 18-57(b), or within eight (8) feet of a public entrance per IC 7.1-5-12-4, does not apply to an owner, operator, manager, or official in charge of a public place of employment in which smoking is allowed under this section.</p> <p>(e) The owner, operator, or manager of an establishment or premises described in subsection 2(a) that allows smoking shall provide a verified statement to the Alcohol and Tobacco Commission that states that the establishment or premises qualifies for an exemption, as required by IC 7.1-5-12-5(d).</p> <p>["Exemptions" section was previously 18-55; "Non-Retaliation" section moved to § 18-56]</p>
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