

Ordinance 2026-03

BEING AN AMENDMENT TO AN ORDINANCE FOR DELAWARE COUNTY, INDIANA

WHEREAS, the county of Delaware by and through Ordinance 2011-012 Regulating Smoking in All Workplaces and Public Places in the County of Delaware; and

WHEREAS, Indiana Code 7.1-5-12 set forth a statewide prohibition on smoking; and

WHEREAS, pursuant to Indiana Code 7.1-5-12-5 allows exceptions to specifically operate businesses including Cigar Lounges provided the business meets state criteria to obtain the exception; and

WHEREAS, the County Commissioners of Delaware County consider it fair and proper to insert Indiana States version of the exception “Cigar Lounge” to Delaware County Code and Amend Ordinance No. 2011-012 Regulating Smoking in All Workplaces and Public Places.

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of the County of Delaware, Indiana that Ordinance 2011-012 shall be amended with appropriate codification as follows:

Article 1. Definition.

Section 1. That Sec. 1002 “Definitions” shall be amended to inset a new definition.

C. “Cigar Lounge” means an establishment owned or leased by a business that meets the following requirements: the business prohibits entry by an individual who is less than twenty-one (21) years of age. The owner or operator of the business holds a beer, liquor, or wine retailer’s permit, and does not operate as a Restaurant where food and beverage sales equals or exceed sixty percent (60%) of the business annual gross income. The business limits smoking in the establishment to cigar smoking. Once a Cigar Lounge is in operation one (1) full calendar year, then during the preceding calendar year, at least twenty percent (20%) of the Cigar Lounge’s annual gross income was from the sale of cigars and the rental of onsite humidors. The person in charge of the Cigar Lounge posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

Article 2. Exemption.

Section 1. That Sec. 1009 “Where Smoking Not Regulated” shall be amended to insert a new area exempt from the provisions of Sections 1004 and 1005.

C. Cigar Lounge as defined in Sec. 1002. C. as a dedicated, enclosed establishment that operates with an independent ventilation to prevent smoke migration and complies with the provision that is stated in Delaware County Code, Title 3-13-5 “Reasonable Distance”.

NOW THEREFORE LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. Effective Date.

This amendment shall be effective on _____, 2026.

Passed and enacted by the Board of County Commissioners of Delaware County, Indiana on the _____ day of _____, 2026.

Board of Commissioners,
Delaware County, Indiana

Sherry Riggin, President

Stephen Brand, Vice President

Shannon Henry, Member

ATTEST:

Edward E. Carroll, Jr., Auditor