

ORDINANCE NO. 2026-003

**AN ORDINANCE AMENDING CHAPTER 13 OF THE DELAWARE COUNTY CODE
OF ORDINANCES ALLOWING SMOKING IN
CIGAR LOUNGES IN DELAWARE COUNTY, INDIANA**

WHEREAS, the Board of Commissioners of Delaware County by and through Chapter 13 of the Delaware County Code of Ordinances, regulates smoking in all workplaces and public places in Delaware County; and

WHEREAS, Indiana Code §7.1-5-12 et seq. sets forth a statewide prohibition on smoking; and

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

WHEREAS, one of the exceptions is Cigar Lounges, provided the businesses meet state criteria to obtain the exception; and

WHEREAS, the Delaware County Commissioners consider it fair and proper to amend Delaware County Code, Title 3, Chapter 13 Smoking Regulations in Public Areas, with appropriate codification as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA THAT:

SECTION 1: 3-13-1. Definitions: shall be amended to add a new definition of “Cigar Lounge”, with appropriate codification as follows:

A. 3-13-1.5. “Cigar Lounge” shall be amended to insert a new definition for “Cigar Lounge”. The new section shall now read as follows:

3-13-1.5 “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 equal 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.

- B. All following definitions shall be numbered sequentially after the addition of a new definition for 3-13-1.5.

SECTION 2:

- A. An amendment to 3-13-6 to add the definition of “Cigar Lounge” as section 3-13-6-1.2 as follows:

3-13-1.2. 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 equal 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.

- B. All following definitions shall be numbered sequentially after the addition of a new definition for 3-13-1.2.

SECTION 3:

- A. An amendment to 3-13-16 Regulating Smoking in all Workplaces and Public Places: shall be amended with appropriate codification by adding a definition of “Cigar Lounge” as follows:

Sec. 1002. Definitions.

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 equal 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.

B. All following definitions shall be lettered sequentially after the addition of a new definition for 3-13-16(C).

SECTION 4:

A. An amendment to Sec. 1009 Where Smoking is Not Regulated.

Addition of a new subsection C

C. Cigar Lounge as defined in 3-13-1.5 and/or Sec. 1002(C) as a dedicated, enclosed establishment that operates with an independent ventilation system to prevent smoke migration and that insures that tobacco smoke does not enter the area through the entrance, windows, ventilation systems or where areas where smoking is prohibited or prior to access to the Cigar Lounge.

SECTION 5: This Ordinance shall be effective ten (10) days after publication.

Dated this _____ day of _____, 2026.

*BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA*

Sherry Riggins, President

Stephen Brand, Vice President

Shannon Henry, Member

ATTEST:

Edward E. Carroll, Jr., Auditor