

**GENERAL ORDINANCE 6-2007
AMENDING
GENERAL ORDINANCE 3-2007**

WHEREAS, smoking is a cause of annoyance, discomfort and physical irritation to nonsmokers; and

WHEREAS, the federal government, acting through the Environmental Protection Agency, the Center for Disease Control and Prevention, and the Department of Health and Human Services has determined that secondhand tobacco smoke is a carcinogen hazardous to nonsmokers, contributes to the risk of acute myocardial infarction and coronary heart disease; and

WHEREAS, the Board of the Indianapolis Airport Authority previously adopted General Ordinance 1-1995 and General Ordinance 3-2007 regulating smoking at Indianapolis International Airport (Airport); and

WHEREAS, the Board of the Indianapolis Airport Authority has determined that General Ordinance 3-2007 needs to be amended with respect to smoking restrictions at the Airport, and at its five (5) reliever airports to (1) protect the public health and welfare by regulating smoking at all Indianapolis Airport Authority airports; and (2) to insure the right of nonsmokers to breathe smoke free air; and (3) to recognize that the need to breathe smoke free air shall have priority over the desire to smoke.

SECTION 1 – DEFINITIONS

(a) *“Airport Facility”* means Indianapolis International Airport, Hendricks County Airport – Gordon Graham Field, Eagle Creek Airpark, Mount Comfort Airport, Indianapolis Metropolitan Airport, the Indianapolis Downtown Heliport, and the Indianapolis Airport Authority’s Habitat Conservation Areas.

(b) *“Employee”* means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services.

(c) *“Employer”* means a person, business, association, municipal corporation, trust, or nonprofit entity that employs the services of one or more individual employees.

(d) *“Smoking”* means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment. *“Smoking”* does not include the burning of incense.

SECTION 2 – SMOKING RESTRICTIONS

Subject to Section 3(a) through 3(c) and Section 4 of this Ordinance, the following buildings and areas under the jurisdiction of the Indianapolis Airport Authority are declared smoke free and subject to the following smoking restrictions:

(a) No smoking is permitted within any building or structure on an Airport Facility.

(b) Smoking is prohibited at any time within or on any Indianapolis Airport Authority owned or operated motor vehicle or motorized equipment of any type.

(c) Subject to Section 3 (g) of this Ordinance, an Employer shall have the discretion to authorize or prohibit smoking within or on motor vehicles or other motorized equipment

owned or operated by the Employer provided that such motor vehicles or equipment are only operated outdoors.

(d) No smoking is permitted on any air operation area, fuel farm, and those areas defined in General Ordinance 1-1986, Rules and Regulations for the Use of the Airport and their Facilities, Section 3.9(d), or any other area designated by the Authority's Airport Director for fire safety reasons at any Airport Facility.

SECTION 3 – AUTHORIZED SMOKING AREAS

(a) Until 11:59PM on December 31, 2007, Room H207A in the passenger Terminal Building at Indianapolis International Airport is designated as a Smoking Room.

(b) Until 11:59PM on December 31, 2007, smoking is permitted in buildings owned or exclusively leased by a single individual, firm, company, corporation, or partnership; however, the building owners or lessees thereof may prohibit or restrict smoking within such buildings.

(c) Until 11:59PM on December 31, 2007, tenants within the passenger Terminal Building at Indianapolis International Airport may designate a smoking area in exclusively leased nonpublic place areas of the passenger Terminal Building, provided that the designated smoking area meets Authority approved isolation and ventilation requirements to prevent the release of secondhand tobacco smoke from the designated smoking area.

(d) Smoking may be permitted outdoors *only* in specifically marked designated smoking areas as approved by the Airport Director.

(e) Smoking is permitted within privately owned vehicles while on an Airport Facility.

(f) Smoking is permitted at the New Indianapolis International Airport Midfield Terminal (Midfield Terminal) construction site until such time as the Midfield Terminal is

primarily occupied by nonconstruction Airport or tenant employees at which time outdoor designated smoking areas may be established by the Executive Director or Airport Director until the Midfield Terminal becomes operational. Except as provided in section 3(e), no smoking will be permitted in any area of the Midfield Terminal including, but not limited to, the Midfield parking garage from and after the date on which the Midfield Terminal becomes operational.

SECTION 4 – PROHIBITION OF SMOKING

Effective at 12:00AM on January 5, 2008, *smoking is prohibited* within any building or structure on an Airport Facility except as may be otherwise authorized by the terms of this Ordinance 6-2007.

SECTION 5 – ADDITIONAL REQUIREMENTS

No smoking shall be permitted in any area of the Airport Facility without the written permission of the Airport Director. All ashtrays and other smoking paraphernalia shall be removed by the owner, operator, manager, or other person having control of an area where smoking is prohibited pursuant to this Ordinance.

SECTION 6 – NONRETALIATION

No person or Employer shall discharge, refuse to hire, or in any manner retaliate against an Employee, applicant for employment, or customer because that Employee, applicant, or customer exercises any rights afforded by this Ordinance, or reports or attempts to prosecute a violation of this Ordinance.

SECTION 7 – ENFORCEMENT

- (a) This Ordinance shall be enforced by the:
 - 1) Executive Director or Airport Director appointed by the Indianapolis Airport Authority

- 2) Airport Police Department
- 3) Airport Public Safety Officers
- 4) Airport Fire Department
- 5) Airport Duty Managers

(b) An owner, manager, operator, or Employee of a public place or place of employment regulated by this Ordinance on an Airport Facility shall inform persons violating this Ordinance of the appropriate provisions of this Ordinance and shall ask those persons to refrain from smoking.

SECTION 8 – VIOLATIONS and PENALTIES

A person who smokes anywhere where smoking is prohibited by the provisions of this Ordinance, and who fails to comply with the provisions of this Ordinance, may be issued a written warning for a first offense of this Ordinance. A person's second violation of this Ordinance in the same calendar year may result in a written violation citation and be subject to payment of a civil penalty in the amount of Fifty Dollars (\$50.00). All subsequent violations in a calendar year are subject to a civil penalty of Two Hundred Dollars (\$200.00) per violation. The aforesaid civil penalties and this Ordinance shall be enforced pursuant to I.C. 34-28-5.

SECTION 9 – SIGNAGE

Appropriate signage shall be posted by the Indianapolis Airport Authority informing the public of no smoking on any Airport Facility.

SECTION 10 – SMOKING CESSATION ASSISTANCE

The Airport Director or designee shall take all reasonable action to develop and implement a smoking cessation assistance educational program for Employers, Employees and users of Airport Facilities to include appropriate materials and incentives, and to seek available grants and other funding opportunities in support of such programs.

SECTION 11 – REPEAL

General Ordinance 3-2007 shall remain in full force and effect except as amended by this
General Ordinance 6-2007.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 12 – EFFECTIVE DATE

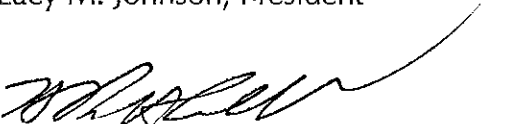
This Ordinance shall be in full force and effect from and after its date of adoption.

Adopted this 4 day of JANUARY 2008.

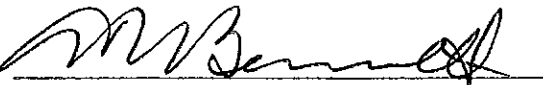
INDIANAPOLIS AIRPORT AUTHORITY



Lacy M. Johnson, President



H. Patrick Callahan, Vice President



Alfred R. Bennett, Secretary



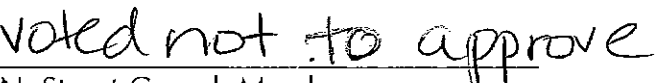
Michael W. Wells, Member



Kelly J. Flynn, Member



Robert H. Voorhies, Member



N. Stuart Grauel, Member



Shirley M. Haflich, Member