

AN ORDINANCE amending Chapter 95 in the Fort Wayne Municipal Code of Ordinances:  
“Health, Safety, and Sanitation”  
to include a new definition and exemption of Cigar Lounge

**WHEREAS**, the city of Fort Wayne by and through chapter 95 of the Fort Wayne municipal code of ordinances beginning at section 95.60, regulates smoking in the city of Fort Wayne; and

**WHEREAS**, Indiana code at IC 7.1-5-12 set forth a statewide prohibition on smoking; and

**WHEREAS**, State code allows for exemptions for specifically operated businesses, including Cigar Lounges provided that the place of business designated as a cigar lounge meets all of the other state criteria in order to obtain the exemption; and

**WHEREAS**, the Fort Wayne regulation on smoking does not allow for an exemption for cigar lounges; and

**WHEREAS**, Common Council wishes to adopt the state’s version of the exemption for cigar lounges.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA that Fort Wayne Code governing Regulation Of Smoking shall be amended as follows;

**SECTION 1.** That § 95.60: “Definitions” shall be amended to add a new definition.

**Cigar Lounge** An establishment owned or leased by a business that meets the following requirements:

- A. The business prohibits entry by an individual who is less than twenty-one (21) years of age.
- B. 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.
- C. The business limits smoking in the establishment to cigar smoking.
- D. 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.
- E. The person in charge of the Cigar Lounge posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

**SECTION 2.** That § 95.64: “Exceptions” shall be amended to add an item D Cigar Lounge and read as follows:

**§ 95.64 Exceptions**

The following shall be exempted from this subchapter:

- 1 A. Hotel and motel rooms that are rented to guests and are designated as smoking rooms,  
2 provided that not more than 20% of rooms rented to guests in a hotel or motel may be so  
3 designated.  
4 B. Private or semi-private rooms in nursing homes and long-term care facilities that are  
5 occupied by one or more persons, all of whom are smokers and have requested in writing  
6 to be placed in a room where smoking is permitted; provided that smoke from these  
7 rooms does not infiltrate into areas where smoking is prohibited under provisions of this  
8 chapter.  
9 C. Retail tobacco stores.  
10 D. Cigar Lounge

11 **SECTION 3.** That this Ordinance shall be in full force and effect after any and all necessary  
12 approval by the Mayor.  
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16 Rohli Booker, Council Member  
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22 Michelle Chambers, Council Member  
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25 APPROVED AS TO FORM AND LEGALITY  
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28 Joseph G. Bonahoom, City Council Attorney