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4 AN ORDINANCE amending Chapter 95 in the Fort Wayne Municipal Code of Ordinances:
5 "Health, Safety, and Sanitation"
6 to include a new definition and exemption of Cigar Lounge
7

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

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

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

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

18 **WHEREAS**, Common Council wishes to adopt the state's version of the exemption for
19 cigar lounges.
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21 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
22 FORT WAYNE, INDIANA that Fort Wayne Code governing Regulation Of Smoking shall be
23 amended as follows;
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25 **SECTION 1.** That § 95.60: "Definitions" shall be amended to add a new definition.
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27 **Cigar Lounge** An establishment owned or leased by a business that meets the following requirements:

- 28 A. The business prohibits entry by an individual who is less than twenty-one (21) years of age.
- 29 B. The owner or operator of the business holds a beer, liquor, or wine retailer's permit, and does not
30 operate as a Restaurant where food and beverage sales equals or exceed sixty percent (60%) of
31 the business annual gross income.
- 32 C. The business limits smoking in the establishment to cigar smoking.
- 33 D. Once a Cigar Lounge is in operation one (1) full calendar year, then during the preceding
34 calendar year, at least twenty percent (20%) of the Cigar Lounge's annual gross income was from
35 the sale of cigars and the rental of onsite humidors.
- 36 E. The person in charge of the Cigar Lounge posts in the establishment conspicuous signs that
37 display the message that cigarette smoking is prohibited.

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

40 **§ 95.64 Exceptions**

41 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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19 Michelle Chambers, Council Member

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25 APPROVED AS TO FORM AND LEGALITY

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27 Joseph G. Bonahoom, City Council Attorney
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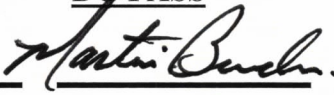
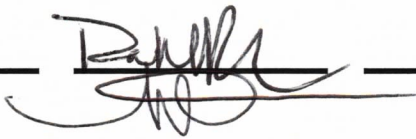

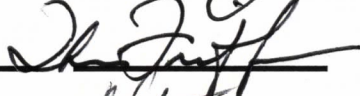

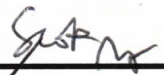

BILL NO. G-25-11-41

**REPORT OF COMMITTEE ON REGULATIONS
December 2, 2025**

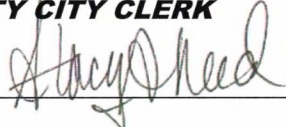
**Thomas Freistroffer Chair
Michelle Chambers Co-Chair
All Council Members**

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

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>BENDER</u>		_____	_____
<u>BOOKER</u>		_____	_____
<u>CHAMBERS</u>	_____	_____	_____
<u>ENSLEY</u>		_____	_____
<u>FREISTROFFER</u>		_____	_____
<u>HARTMAN</u>		_____	_____
<u>JEHL</u>	_____	_____	_____
<u>MYERS</u>		_____	_____
<u>PADDOCK</u>		_____	_____

**STACY REED
DEPUTY CITY CLERK**



Public Hearing Date: N/A

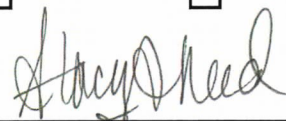
Read the first time in full and on motion by Councilperson Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: December 9, 2025

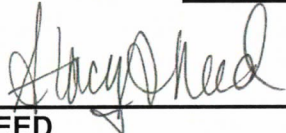


STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-25-11-41 on the 9th day of December, 2025

ATTEST:

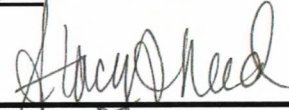
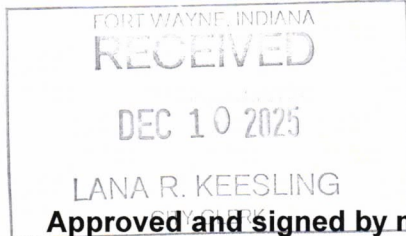


STACY REED
DEPUTY CITY CLERK



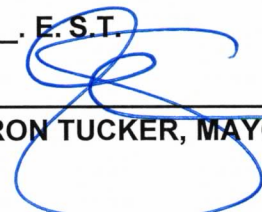
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of December 2025, at the hour of 9:00 o'clock A.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 10th day of December 2025, at the hour of 11:51 o'clock A.M. E.S.T.



SHARON TUCKER, MAYOR