

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - INDIANA**

### **Paul Stieler Enterprises, Inc. v. City of Evansville**

**Supreme Court of Indiana - February 11, 2014 - N.E.3d - 2014 WL 545433**

Bars and private clubs brought actions against city alleging that smoking ban ordinance violated equal privileges and immunities clause of the Indiana Constitution. The Superior Court upheld the constitutionality of ordinance. Bars and clubs appealed, and the Court of Appeals affirmed. Transfer was granted.

The Supreme Court of Indiana held that:

- City's amended smoking ban ordinance violated equal privileges and immunities clause of Indiana Constitution by exempting riverboat casinos, and
- Unconstitutional provision of ordinance was not severable.

City's amended smoking ban ordinance, which exempted riverboat casinos, violated the equal privileges and immunities clause of the Indiana Constitution. The disparate treatment, exempting floating casinos with riverboat statutory gambling authorization but not land-based bars and clubs, including those with gambling authorization from other statutory sources, was not reasonably related to the inherent differences between the divergently-treated classes.