

AN ORDINANCE TO PROBIT SMOKING AND THE USE OF TOBACCO PRODUCTS
IN COUNTY BUILDINGS, GROUNDS AND VEHICLES

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and,

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment, North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;" and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke, and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

WHEREAS, the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and

WHEREAS, in air quality tests, concentrations of secondhand smoke in vehicles have been found to be far greater than in any other micro-environments tested, including smoke-free homes, smokers' homes, smoke-filled bars, and outdoor air – even with a vehicle's windows open and its fan set on high⁴; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as those sitting beside someone on a park bench or children playing near someone who is smoking); and

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes; and

WHEREAS, the County of Sampson is committed to providing a safe and healthy workplace in all County facilities for its employees and a safe and healthy environment for the visiting public; and

WHEREAS, the County of Sampson provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, the County of Sampson wishes to minimize the harmful effects of tobacco use among County employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings controlled by the County; and

WHEREAS, this Board finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of the County to adopt an ordinance prohibiting smoking and the use of tobacco products in all County buildings.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of the County of Sampson, North Carolina, that:

Section 1. Authority

This ordinance is enacted pursuant to G.S. 130A-498 and 153A-121(a).

Section 2. Definitions

The following definitions are applicable to this ordinance.

- a) "County building" – A building owned, leased as lessor, or the area leased as lessee and occupied by the County.
- b) "County grounds" – An unenclosed area owned, leased, or occupied by the County.
- c) "County Vehicle" – A passenger –carrying vehicle owned, leased, or otherwise controlled by the county and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County business.
- d) "Employee" – A person who is employed by the County of Sampson, or who contracts with the County or a third person to perform services for the County, or who otherwise performs services for the County with or without compensation.
- e) "Local health department" – The district health department, public health authority, or county health department, the jurisdiction of which includes the County.⁸
- f) "Universal 'No Smoking and Use of Tobacco Products Prohibited' Symbol" – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.
- g) "Smoking" – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- h) "Tobacco product" – Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cutting and sweepings of tobacco; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a

tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Section 3. Areas in Which Smoking and Use of Tobacco Products are Prohibited

- a) Smoking and the use of tobacco products are prohibited:
 - 1) In any building owned, leased, or occupied by the County;
 - 2) On County grounds surrounding County buildings, with the exception that smoking and the use of tobacco products is permissible on County grounds in areas designated by the County Manager; and
 - 3) In any vehicle owned, leased, or controlled by the County, with the exception that smoking and the use of tobacco products is permissible in individually assigned vehicles when the only person in the vehicle is the person to whom the vehicle has been assigned.
- b) Smoking and the use of tobacco products are prohibited on the County grounds surrounding the Sampson County Health Department and the Department of Social Services within fifty feet of those County buildings, with no designated areas for smoking and the use of tobacco products allowed within the fifty foot perimeter.

Section 4. Implementation Requirements

- a) The County shall post signs that meet all the requirements in Section 5 of this ordinance.
- b) The County shall remove all ashtrays and other smoking receptacles from its buildings and grounds except for ashtrays and receptacles on the premises in designated smoking areas.
- c) The person in charge of the County building, vehicle, or his or her designee, shall direct a person who is smoking or using a tobacco product in a prohibited area to cease.

Section 5. Signage

The signs required by Section 4 must:

- a) State in English and Spanish that smoking and the use of tobacco products are prohibited and include the universal "No Smoking and Use of Tobacco Products Prohibited" symbol.
- b) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- c) Be posted at each entrance to a County building and in other locations within the building reasonably calculated to inform employees and the public of the prohibition.
- d) Be posted in each County vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- e) Be posted on County grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

Section 6. Public Education

Sampson County shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance to employees and citizens affected by it and to guide operators and managers in their compliance with it. In doing so, the County may rely upon materials and information provided by the local health department.

Section 7. Severability; Conflict of Laws.


If this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. Whenever the provisions of this ordinance conflict with other ordinances of Sampson County, this ordinance shall govern.

Section 8. Effective Date.

This ordinance shall be effective on February 1, 2014.

Adopted this 2nd day of December, 2013.




Clerk to Board of Commissioners


Chairman, Sampson County Board of
Commissioners

Approved as to Form:

County Attorney

Approved Board of Health- July 15th, 2013