

Sample Model Ordinance

Option 2

Local County/Municipal Buildings

AN ORDINANCE PROHIBITING SMOKING IN COUNTY/MUNICIPAL BUILDINGS

WHEREAS, local governments now have clear authority under G.S. 130A-498 to restrict smoking in buildings owned, leased as lessor, or the area leased as lessee and occupied by local government; buildings and grounds wherein local health departments and departments of social services are housed; and any place on a public transportation vehicle owned or leased by local government and used by the public; and

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and,

WHEREAS, the 2006 Surgeon General's Report on the health consequences of involuntary exposure to tobacco smoke states that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. The 2006 Surgeon General's Report documents that separating smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate exposure to secondhand smoke; and,

WHEREAS, the Centers for Disease Control and Prevention (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, exposure to secondhand smoke is expensive, costing the nation \$10 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs according to the 2005 Society of Actuaries; and,

WHEREAS, The 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and,

WHEREAS, the County/City/Town of _____ provides support to employees who want to quit the use of tobacco products. These employees are also encouraged to talk to their health care provider about quitting; ask about appropriate pharmacotherapy available through the county/city/town 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)

WHEREAS, the County/City/Town of _____ recognizes the health risks of smoking and secondhand smoke for non-smokers. The aim is to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public in those buildings controlled by the County/City/Town;

Now, therefore the County/City/Town of _____ enacts:

Section 1. Definitions

“Grounds” – The area located within 50 linear feet of a building wherein a local health department or a local department of social services is housed.

“Smoker” – A person who is smoking.

“Smoking” – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

Section 2. Smoking Prohibited in County/Municipal Buildings and Transportation Vehicles

Smoking is prohibited in all of the following:

- (a) Buildings that are owned by the County/City/Town.
- (b) Buildings that are leased by the County/City/Town as lessor.
- (c) Buildings or areas of buildings that are leased by the County/City/Town as lessee and occupied by the County/City/Town.
- (d) Public transportation vehicles owned or leased by County/City/Town and used by the public.
- [FOR COUNTIES ONLY: (e) The grounds of any building housing one or more components of _____ County Health Department or the _____ County Department of Social Services.

Section 3. Signage

(a) Persons in charge of buildings identified in Section 2 shall post signs at all entrances and exits explaining the prohibition of smoking. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas in the building where smoking is likely, such as bathrooms and dining areas.

(b) Persons in charge of vehicles identified in Section 2 shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle.

(c) The signs required by subsections (a) and (b) of this Section must use clear and unambiguous language to convey the prohibition. The signs may include language such as “SMOKE FREE BUILDINGS,” “SMOKING PROHIBITED IN THIS BUILDING,” “SMOKING NOT PERMITTED IN THIS BUILDING,” or “SMOKING NOT PERMITTED IN THIS VEHICLE.” If a sign includes the international “No Smoking” symbol (which consists of a pictorial representation of a burning cigarette enclosed in a

red circle with a red bar across it), it must also include written text explaining the prohibition.

(d) Persons in charge of buildings and vehicles identified in Section 2 must determine whether signs should be posted in languages other than English.

(e) Persons in charge of buildings or grounds where tobacco use is prohibited by this ordinance shall remove all publicly available ashtrays from the buildings and grounds.

Section 4. Public Education and Cessation

The _____ [Health Department *or* City Manager *or* County Manager] shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

The County/City/Town of _____ provides support to employees who want to quit the use of tobacco products. These employees are also encouraged to talk to their health care provider about quitting; ask about appropriate pharmacotherapy available through the county/city/town 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, available from 8 AM-12 midnight 7 days per week.

Section 5. Smoking Permitted Outside Buildings

Smoking is permitted outside the buildings identified in Section 2, provided that the person smoking does not stand adjacent to a public entrance or air intake vent.

Section 6. Enforcement and Penalties

(a) Employees: Employees who violate this ordinance may be subject to sanctions consistent with County/City human resources policies.

(b) Others: [to be added based on options below]

Option 1:

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees a smoker (other than an employee) who is smoking in violation of this

ordinance must ask the smoker to stop smoking. If, after having been asked to stop smoking, the smoker continues to smoke, the person in charge shall issue a formal warning and must ask the smoker to leave the building.

Option 2

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees a smoker (other than an employee) who is smoking in violation of this ordinance must ask the smoker to stop smoking. If, after having been asked to stop smoking, the smoker continues to smoke, he or she will be first giving a formal warning. Future violations are subject to graduated civil penalties in amounts of \$25 for first violation, \$50 for second violation and \$100 for third and subsequent violations to be recovered by the County/City/Town. Violators shall be issued a written citation which must be paid to the County/City/Town within ten (10) days. Violation of this ordinance shall not constitute a misdemeanor or an infraction punishable under N.C.G.S. 14-4.

Option 3

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees a smoker (other than an employee) who is smoking in violation of this ordinance must ask the smoker to stop smoking. If, after having been asked to stop smoking, the smoker continues to smoke, he or she shall be given a formal warning. Future violations shall constitute a misdemeanor, punishable by a fine not to exceed \$200.00 per violation.

Section 8. Effective Date. This ordinance shall be effective [no earlier than January 1, 2008].

Adopted this _____ day of _____, 20__.