

Return: County Manager Office

**GATES COUNTY, NORTH CAROLINA
ORDINANCE PROHIBITING TOBACCO USE IN BUILDINGS OWNED BY OR
LEASED TO GATES COUNTY AND PUBLIC TRANSPORTATION
VEHICLES OWNED BY OR LEASED TO GATES COUNTY**

Whereas, tobacco use is the number one preventable cause of premature death in North Carolina and the Nation; 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 advises 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, Gates County 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 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, Gates County recognizes the health risks of tobacco use and secondhand smoke for nonsmokers. The County desires to minimize the harmful effects of tobacco use among its staff and to eliminate secondhand smoke exposure for staff and the public in those buildings controlled by the County;

Now, therefore, be it ordained by the Gates County Board of Commissioners:

Section 1. Authorization

This Ordinance is enacted pursuant to North Carolina General Statute 130A-498 as an exercise of the authority of the Board to regulate the use of County property and North Carolina General Statute 153A-121 as an exercise of the police power to protect, promote and preserve the public health, welfare and safety of:

- a. Citizens who use owned buildings.
- b. Citizens who use buildings leased by the County as lessee (i.e. tenant) and occupied by the County.
- c. Citizens who use County owned or leased public transportation vehicles.
- d. County employees who work in County owned or leased buildings.
- e. County employees who use County owned or leased public transportation vehicles.

Section 2. Definitions

- a. "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.
- b. "Smoker" – A person who is smoking.
- c. "Smoking" – The use or possession of a lighted cigarette, lighted cigar, lighted pipe or any other lighted tobacco product.
- d. "Tobacco Products" – Any product that contains tobacco and is intended for human consumption.

Section 3. Use of Tobacco Products is Prohibited in County Buildings and Public Transportation Vehicles

Use of tobacco products is prohibited in all of the following:

- a. Buildings that are owned by Gates County.
- b. Buildings that are leased by Gates County as lessor (i.e. landlord).
- c. Buildings or areas of buildings that are leased by Gates County as lessee (i.e. tenant) and occupied by Gates County.
- d. Public transportation vehicles owned or leased by Gates County and used by the public.
- e. The grounds of any building housing one or more components of Gates County Health Department or the Gates County Department of Social Services.

Section 4. Signage

- a. Person in charge of buildings and/or grounds identified in Section 3 shall post signs at all entrances and exits to the buildings explaining the prohibition of tobacco use. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas in buildings where tobacco use is likely, such as bathrooms and dining area.
- b. Persons in charge of vehicles identified in Section 3 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 vehicles.
- 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 "Tobacco Free Building," "Tobacco Use Prohibited in this Building," "Tobacco Use Not Permitted in this Building," or "Tobacco Use Not Permitted in this Vehicle." If a sign includes the international "No Smoking and Smokeless Tobacco" symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it), it must include written text explaining the prohibition.
- d. Persons in charge of building and vehicles identified in Section 3 must determine whether signs should be posted in languages other than English.
- e. Persons in charge of buildings and grounds where tobacco use is prohibited by this Ordinance shall remove all publicly available ashtrays from the buildings and grounds.

Section 5. Public Education

The 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 compliance with it. The program may include publication of a brochure for affected persons explaining the provisions of this Ordinance.

Section 6. Tobacco Use Permitted Outside Buildings

Use of tobacco products is permitted outside the buildings identified in Section 3 except for the grounds of any building housing one or more components of Gates County Health Department or the Gates County Department of Social Services, provided that the persons who are smoking do not stand adjacent to a public entrance or air intake vent.

Section 7. Enforcement Penalties

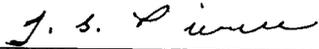
- a. Employees – Employees who violate this Ordinance shall be subject to sanctions consistent with the County's personnel policies.
- b. The person in charge of a building or vehicle identified in Section 3 or his or her designee who sees an individual using a tobacco product (other than an employee) who is in violation of this Ordinance must ask the individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, he or she shall be in violation of this Ordinance. Violators of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500 in accordance with North Carolina General Statute 14-4(a).

Section 8. Effective Date

This Ordinance shall become effective upon the 21st day of July, 2008.

This is to certify that this is a true and accurate copy as such appears in the Gates County Register of Deeds Book 272 Page 731.

This the 21st day of July, 2008.



J. S. Pierce, Chairman
Gates County Board of Commissioners