



Ordinance Regulating Smoking in Jackson County Buildings

AMENDED THIS THE _____ DAY OF _____ 2018

That an Ordinance Regulating Smoking in Jackson County Buildings is hereby amended to read as follows:

WHEREAS, counties are granted broad police power authority to protect the health, safety and welfare of its citizens by North Carolina General Statute 153A-121;

Now, therefore, **BE IT ORDAINED** by the Board of Commissioners of the County of Jackson, North Carolina, that:

Section 1. Definitions.

- (a) **“Adjacent”** shall mean near or close to;
- (b) **County-Owned Building** shall mean a building owned, leased as lessor, or the area leased as lessee and occupied by Jackson County;
- (c) **“E-cigarettes”** shall mean any electronic oral device, such as one composed of heating elements, battery, and/or electronic circuit, which provides an aerosol or nicotine or any other substances, and the use of or inhalation of which simulates smoking; the term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vaporizer, vape or under any other product name or descriptor;
- (d) **“Smoking”** shall mean the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- (e) **Universal “No Smoking” Symbol** shall mean a Symbol consisting of a pictorial representation of a burning cigarette and/or e-cigarette enclosed in a red circle with a red bar across it.

Section 2. Smoking Prohibitions.

- (a) Smoking and the use of e-cigarettes will be strictly prohibited in County-Owned buildings including but not limited to all work areas, public spaces, private enclosed offices, open-spaced offices, meeting rooms, conference rooms, eating areas, break rooms, lounges, restrooms, hallways, stairways, and enclosed entrances. This ordinance shall apply to all employees, clients or visitors or persons otherwise required to be in a County building.
- (b) No smoking or use of e-cigarettes shall be permitted adjacent to any exterior entrance to or exit from a County-Owned Building, except areas designated by the County Manager.
- (c) The County Manager may designate outside smoking areas on County Grounds, giving consideration to insure that secondhand smoke does not enter through entrance, windows, ventilation systems or other means.
- (d) No smoking or use of e-cigarettes shall be permitted adjacent to any exterior entrance to or exit from County Jail, except areas designated by the Sheriff of Jackson County.

Section 3. Implementation Requirements.

- (a) County staff shall post signs that meet all the requirements in Section 2 of this policy.
- (b) County Staff shall remove all ashtrays and other smoking receptacles from its County-Owned Buildings.
- (c) The person in charge of the County Building or his or her designee shall direct a person who is smoking or using an e-cigarette in a prohibited area to cease and, if the person does not comply, shall contact law enforcement having jurisdiction in the area where the violation occurred.

Section 4. Signage

- (a) The signs required by Section 2 must:
 - 1. State in English that smoking is prohibited and includes the universal “No Smoking and No E-Cigarette” symbol.
 - 2. Be sufficient size to be clearly legible to a person with normal vision, and be conspicuously posted.

3. Be posted at each entrance to a County-Owned Building and in other locations within the building reasonably calculated to inform employees and the public of the prohibition.
- (b) Signs may be posted in areas where individuals are likely to smoke or use e-cigarettes such as restrooms or break rooms.
 - (c) The County Manager shall determine whether signs should be posted in languages other than English

Section 5. Penalty

- (a) Following oral or written notice by the person in charge of an area described in Section 3, the failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed as described in North Carolina General Statute 130A-498.
- (b) Additional sanctions for employees. In addition to any penalty under subsection (a) employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County's personnel policies.

Section 6. Public Education

Jackson County shall engage in an ongoing program to explain and clarify the purposes and requirements of this policy to employees, residents, and visitors 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 Jackson County Department of Public Health.

Section 7. Exclusions

Nothing herein shall be construed as adopting a smoking ordinance on privately owned business located in Jackson County, North Carolina, and each person, firm or corporation having properties or businesses located in Jackson County, North Carolina, shall have the right regulate smoking in, on or about said premises.

Section 8 **Conflict of Laws**

If any portion of this ordinance or the enforcement therefore is found to be preempted by the state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect. All ordinances or parts of the ordinances in conflict with this ordinance are hereby repealed.

Section 9. **Effective Date**

This ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 2018

Brian Thomas McMahan, Chairman
Jackson County Board of Commissioners

ATTEST:

Angela M. Winchester, Clerk to the Board