

CHAPTER 99: TOBACCO USE RESTRICTIONS

Section

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§ 99.01 TITLE

This chapter shall be known and may be cited as the “Tobacco Use Restrictions Ordinance for Buildings, Vehicles, and Grounds ”

§99:02 AUTHORITY

This chapter is established by the Haywood County Board of Commissioners pursuant to the authority and powers conveyed by NCGS 130A-498 and 160A-174(a).

§99:03 PURPOSE

The purpose of this subchapter is to provide a comprehensive and uniform means of restricting use of all types of tobacco products in buildings and vehicles and on grounds owned or leased and occupied by Haywood County, excluding property leased by Haywood County to third parties.

§99:04 DEFINITIONS

The following definitions are applicable to this Chapter:

- (a) “County Building” – A building owned, or the area leased as lessee and occupied by the County and includes but is not limited to offices, restrooms, indoor walkways, stairwells, entrances, passageways, break room, lobbies, and work areas, excluding Buildings leased as lessor by Haywood County to third parties as specified on Appendix A.
- (b) “County Grounds” – An unenclosed area owned, leased, or occupied by the County, excluding Grounds leased as lessor by Haywood County to third parties specified on Appendix A.
- (c) “County Vehicle” – A passenger-carrying vehicle owned, leased or otherwise controlled by Haywood County and assigned permanently or temporarily by the County to County employees, agencies, institutions, or facilities for official County business.

- (d) "Employee" – A person who is employed by the County, 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 public health authority, under the Haywood County Health and Human Services Agency.
- (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, snorting, 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 scraps, clippings, cutting and sweepings of tobacco, shorts; refuse scraps, clippings, cutting and sweeping 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.
- (i) "E-cigarettes/vapor product" – any electronic oral device, such as one composed of heating elements, battery, and/or electronic circuit, which provides a vapor or nicotine or any other substances, and the use or inhalation of which stimulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

§99:05 SMOKING PRODUCTS PROHIBITED IN COUNTY BUILDINGS AND VEHICLES

- (a) No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any County Building or County Vehicle as defined herein.

§99:06 SMOKING PRODUCTS PROHIBITED ON COUNTY GROUNDS

- (a) No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia on any County Grounds including parks and recreational areas. This section does not apply to:
 1. Smoking, carrying or possessing a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia within the limits of a public right-of-way where the right-of-way boundary does not overlap with a zone measuring 25' from a public entryway, measured from and along a single building face.
 2. A public entryway in areas owned by Haywood County but leased as lessor to third parties as lessee.

§99:07 SMOKELESS AND SPITTING TOBACCO PRODUCTS PROHIBITED

- (a) The use of smokeless and spitting tobacco products shall not be permitted in any County Buildings, County Grounds and County Vehicles.

§99:08 ELECTRONIC CIGARETTES OR VAPOR PRODUCTS PROHIBITED

- (a) Use of e-cigarettes is prohibited in any County Vehicle or County Building where smoking and the use of tobacco products are prohibited.

§99:09 CIGARETTE BUTTS AS LITTER

- (a) No person shall dispose of cigarette butts, cigar tips, used dip, or any tobacco waste on County Grounds except for in designated trash receptacles or smoking urns.

§99:10 NOTICE REQUIRED

- (a) Clear and conspicuous signs shall be posted in every building and facility and/or grounds wherein tobacco use is regulated by this article as follows:
- (b) Stand alone "No Smoking," "No Smokeless Tobacco," or other signs stating the tobacco use policy shall have letters of not less than one inch in height, the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it), or the "No Smokeless Tobacco" symbol.
- (c) In lieu or in addition to stand along signage, tobacco use restrictions can be incorporated into comprehensive rules signage in text form where feasible.
- (d) Signs shall be conspicuously posted in a position clearly visible on main entry points into County Buildings.
- (e) Signs shall be conspicuously posted outside, within, or near recreational public places where tobacco use is prohibited, but not at every conceivable entry point whereby doing so would overburden the park with signage.
- (f) It shall be unlawful for any person to remove to deface any placard or sign erected by or under the authority of this section.

§99:11 IMPLEMENTATION REQUIREMENTS

- (a) The County shall post signs that meet all the requirements in Chapter 99:11 of this Ordinance.
- (b) The County may locate ash urns or other smoking receptacles in designated smoking areas. Absence of smoking receptacles does not relieve tobacco users from legally disposing of tobacco waste nor does it nullify a designated smoking area.
- (c) County staff shall make every effort to ensure compliance with this policy, including requests and if necessary contacting enforcement personnel.

§99:12 ENFORCEMENT AND PENALTIES

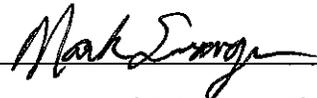
- (a) Penalty for Violation. Violation of Sections 99.05 through 99.09 shall constitute an infraction punishable by a fine of not more than twenty-five dollars (\$25.00).
- (b) A citation may be issued by a sworn law enforcement officer. Conviction of an Infraction under this section has no consequence other than as set forth in (a) above, and no court costs may be assessed.

- (c) Additional sanctions for employees. In addition to any penalty under this section, employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County's human resource policies.

§99:13 SEVERABILITY; CONFLICT OF LAWS

- (a) 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 Haywood County, this ordinance shall govern.
- (b) All provisions of any County ordinance in conflict with the provisions of this Chapter are hereby repealed.
- (c) This ordinance shall become effective 60 days after adoption.

Adopted this 6 day of April, 2015.



Mark S. Swanger, Chairman
Board of Commissioners

ATTEST:



Ira Dove, Clerk to the Board

APPENDIX A

List of County Properties Covered By Tobacco Restrictions Ordinance

- 1. Haywood County Courthouse**
- 2. Haywood County Justice Center**
- 3. EOC/EMS and Satellite Facilities**
- 4. County Annex II**
- 5. Materials Recovery Facility Buildings and White Oak Building**
- 6. Haywood County Public Library and Branches**
- 7. Animal Services Facilities**
- 8. Haywood County Law Enforcement Center**
- 9. Elections/Recreation/Adult Day Care Building**
- 10. Health and Human Services/Central Permitting Building**