



Ordinance: Smoking Prohibition	Effective Date: 04/01/2009
Ordinance Number: O-2009-002	Revision Effective Date:
Responsible Party: Town Council	Revision Page Number:



ORDINANCE PROHIBITING SMOKING IN MUNICIPAL BUILDINGS

Adopted
March 10, 2009
Effective April 1, 2009

Ordinance Prohibiting Smoking in Municipal Buildings

WHEREAS, tobacco use is the number one preventable cause of premature death in NC and the nation; and

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 Town of Summerfield 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 town health insurance plan or employees' 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 Town of Summerfield recognizes the health risks of tobacco use and secondhand smoke for nonsmokers, 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 Town:

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Summerfield hereby enacts Ordinance Number O-2009-002 Prohibiting Smoking in Municipal Buildings.

Adopted this 10th day of March, 2009

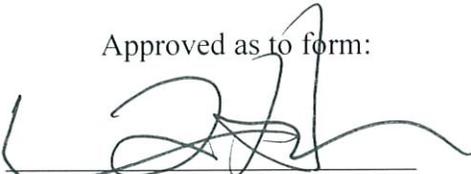


Mayor

Attest:



Valarie Halvorsen, Town Clerk
Carrie Spencer, Deputy Town Clerk

Approved as to form:


William Hill, Town Attorney

A. Definitions: For purposes of this ordinance, the following definitions shall apply:

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 tobacco product.

Tobacco product – Any product that contains tobacco and is intended for human consumption.

B. Use of Tobacco Products is Prohibited in all of the following:

- (a) Buildings that are owned by the Town of Summerfield
- (b) Buildings that are leased by the Town as lessor
- (c) Buildings or areas of buildings that are leased by the Town as lessee and occupied by the Town.
- (d) Public transportation vehicles owned or leased by the Town and used by the public.

C. Signage:

- (a) Persons in charge of buildings identified in Section B shall post signs at all entrances and exits 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 the building where tobacco use is likely, such as bathrooms and dining areas.
- (b) Persons in charge of vehicles identified in Section B 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 "TOBACCO FREE BUILDINGS", "TOBACCO USE PROHIBITED IN THIS BUILDING", "TOBACCO USE NOT PERMITTED IN THIS BUILDING", or 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 also include written text explaining the prohibition.

- (d) Persons in charge of buildings and vehicles identified in Section B 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 building and grounds.

D. Tobacco Use Permitted Outside Buildings:

Use of tobacco products is permitted outside the buildings identified in Section B, provided that the persons who are smoking do not stand adjacent to a public entrance or air intake vent.

E. Enforcement and Penalties:

The person in charge of a building or vehicle identified in Section B or his or her designee who sees an individual using a tobacco product who is in violation of this ordinance must ask that individual to stop using the tobacco products. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, the person in charge shall issue a formal warning and must ask the individual to leave the building.