

Ordinance Prohibiting Tobacco Use in All
Dare County Facilities, Property and Vehicles.

WHEREAS, according to the Centers for Disease Control and Prevention, (CDC) tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and,

WHEREAS, according to the CDC, Smoking increases the risk of heart disease by 2 to 4 times, the risk of stroke by 2 to 4 times, the risk of lung cancer by 23 times and the risk of other lung disease by 12 to 13 times; and

WHEREAS, according to the CDC, smoking causes leukemia, bladder cancer, cervical cancer, esophageal cancer, kidney cancer, larynx cancer, lung cancer, oral cancer, throat cancer, stomach cancer, uterine cancer, stillbirths and sudden infant death syndrome (SIDS); and

WHEREAS, according to the CDC, on in every five deaths in the United States is attributable to smoking, more than drugs, alcohol, HIV, motor vehicle accidents, suicides, and murders combined; and

WHEREAS, according to the CDC, 20.6% of adults smoke resulting in annual health care costs related to smoking of \$96 billion dollars and annual lost productivity costs related to smoking of \$97 billion dollars; and

WHEREAS, according to the North Carolina Central Cancer registry (NCCCR) 22.9% of adult North Carolinians smoke which the North Carolina Health Alliance (NCHA) resulting in \$2.46 billion dollars annually in health care costs and \$3.3 billion dollars annually in lost productivity costs,

WHEREAS, according to the CDC, the cost to employers of tobacco use by employees is \$1,400 per smoking employee per year in increased medical costs and \$2,000 per smoking employee per year in lost productivity costs, for a total of \$3,400 per smoking employee per year in excess employer costs; and

WHEREAS, Dare County employees approximately 750 employees, of which, according to the statistics above, 22.9 % or 171 smoke, costing Dare County \$239,000 per year in increased medical costs and \$342,000 in lost productivity costs for a total cost to Dare County of \$581,000 per year; and

WHEREAS, the Surgeon General's report found that there is no risk free level of exposure to secondhand smoke; and

WHEREAS secondhand smoke exposure causes the death of more than 1,600 North Carolinians each year and costs North Carolinians \$288 million dollars annually in health care costs; and

WHEREAS, smoking caused fires resulted in losses of more than \$500 million dollars per year nationwide and resulted in extra cleaning, maintenance and litter costs in excess of \$4 billion dollars nationwide; and

WHEREAS, on May 19, 2009, the State of North Carolina passed "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" S.L. 2009-27, amending Chapter 130A of the General Statutes and thereby authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;"

WHEREAS, Dare County recognizes the health risks of tobacco use and secondhand smoke for non-smokers and the need to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public, and y is committed to providing a safe and healthy workplace and environment in all Dare County facilities and grounds for its employees, citizens and the visiting public and to reducing the economic costs of tobacco use to Dare County and its citizens;

WHEREAS, and seeks to in those facilities and grounds controlled by Dare County;

WHEREAS, this Board of County Commissioners is of the opinion that it is in the best interests of the citizens and residents of Dare County to amend its ordinances to prohibit smoking in certain facilities, grounds and vehicles owned, leased, operated and/or occupied by Dare County.

NOW, THEREFORE, BE IT RESOLVED by the Dare County Board of Commissioners as follows:

The Code of Ordinances for Dare County, North Carolina is hereby revised as follows:

Section 1. Definitions

The following definitions, taken directly from Section 130A-492 and 14-313 (a) of the General Statutes and to be amended by any amendments to Section 130A-492 or 14-313(a), apply to this ordinance:

(a) "Employee." A person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer with or without compensation.

(b) "Grounds." An unenclosed area owned, leased, or occupied by local government.

(c) "Local government building". A building owned, leased as Lessor, or the area leased as lessee and occupied by a local government.

(d) "Local vehicle". A passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

(e) "Smoking". The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

(f) "Tobacco products". Any product that contains tobacco and is intended for human consumption, and any other items containing or reasonably resembling tobacco or tobacco products.

Section 2. Areas in Which Smoking and Tobacco Use are Prohibited

Smoking and the use of tobacco products is prohibited:

- (a) in any local government building, except in areas designated by the County Manager at local government buildings that are not: (a) operated by or occupied by the Dare County Health Department or are within 50 feet of such Health Department building(s); or (b) buildings operated by or occupied by the Dare County Parks and Recreation Department;
- (b) in any local government building in which smoking is prohibited as of the date of the adoption of this ordinance.
- (c) in any local vehicle owned, leased, or operated by Dare County and
- (d) on any grounds that are owned, leased, occupied, or operated by Dare County except specific areas upon grounds which may be designated by the County Manager, adjoining a local government building, to serve as the smoking area for those buildings in which smoking may be permitted under the provisions of Paragraph (a) above;.

Section 3. Implementation

- (a) Persons in charge of a building, vehicles and grounds or his or her designee shall post signs that meet all the requirements in Section 4 of this ordinance.
- (b) The person in charge of a building and grounds or his or her designee shall remove all ashtrays and other smoking receptacles.

(c) The person in charge of a building, vehicle or grounds 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 product.

Section 4. Signage

The signs required by Section 3 must:

- (a) state that tobacco use is prohibited and the sign must include 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),
- (b) in areas where smoking may be permitted, the sign must include the language “No Smoking and Smokeless Tobacco Except In Designated Areas” and the international no smoking 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) and ,
- (c) be posted at each building entrance and on the grounds at a height and location easily seen,
- (d) be in legible font type.

Persons in charge of vehicles identified in Section 2 or his or her designee 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

Nothing in this ordinance prohibits a person in charge of buildings, grounds and vehicles from posting additional signs in areas where smoking is prohibited. For example, signs may be posted in other areas where people are likely to want to use tobacco products, such as in bathrooms or in dining areas.

The person in charge of buildings, grounds and vehicles must determine whether signs should be posted in languages other than English.

Section 5. Enforcement and Penalties

- (a) *Violations by employees.* Employees who violate this ordinance shall be subject to sanctions consistent with Dare County human resources policies.
- (b) *Violations by other persons.* Any person who, following oral or written notice by the person in charge of the area or the person’s designee, continues to smoke or to use tobacco products in an area where smoking or tobacco use is prohibited by Section 2 commits an infraction. Pursuant to Section 130A-498(c1) of the General Statutes, the

person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00) and may not be assessed court costs. Conviction of an infraction under this section has no consequence other than payment of a penalty.

(c) Any amendments to the enforcement or penalty provisions listed in G.S. 130A-498(c1) apply to this ordinance.

Section 6. Effective Date.

This ordinance shall be effective January 1, 2013.

Adopted this 16th day of April 2012.