

PERSON COUNTY NON-SMOKING ORDINANCE

ORDINANCE BANNING SMOKING IN COUNTY RECREATIONAL FACILITIES AND GROUNDS EXCEPT IN DESIGNATED AREAS

- WHEREAS, on February 25, 2008, the Person County Board of Health adopted a rule pursuant to then existing state law banning smoking in certain locations on County and City of Roxboro Property in Person County;
- 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" 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, within said legislation the General Assembly finds "that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers. In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke;"
- WHEREAS, the Person County Board of Health has reviewed this legislation and at its meeting on February 27, 2012 took action requesting that the Person County Board of Commissioners enact an ordinance further regulating tobacco use in the County;
- WHEREAS, the Person County Recreation Advisory Board has considered the effect of second hand smoke on participants and spectators at recreation programs and facilities and took action at its board meeting on March 7, 2012 requesting that the Person County Board of County Commissioners ban smoking at Recreation events and on certain Recreation and Park Lands;
- WHEREAS, smoking is prohibited in certain county buildings and on certain other county property pursuant to Health Department Rules and other County Regulations;
- WHEREAS, Person County recognizes the health risks of tobacco use and secondhand smoke for non-smokers and wishes to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public in those recreational facilities and grounds and such other facilities as determined by the Board of County Commissioners. Further Person County is committed to providing a safe and healthy workplace in County facilities for its employees and the visiting public;
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to further prohibiting smoking in certain County buildings and on certain County grounds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Person as follows:

Section 1 - Authority and definitions

- (a) *Authority.* This section is enacted pursuant to authority granted in legislation titled "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" and pursuant to authority contained in GS 130A-498 and the provisions of G.S. 153A-121 as an exercise of the police power to protect, promote and preserve the public health, welfare and safety of individuals in Person County buildings, on Person County grounds, or in County vehicles.
- (b) *Definitions.* The following definitions apply:
- (1) "Grounds" - An unenclosed area owned, leased, or occupied by Person County.
 - (2) "Person County government building" - A building owned, leased as lessor, or the area leased as lessee and occupied by Person County.
 - (3) "Person County vehicle" - A passenger-carrying vehicle owned, leased, or otherwise controlled by Person County and assigned permanently or temporarily by Person County to Person County employees, agencies, institutions, or facilities for official Person County business.
 - (4) "Smoking or smoke" - The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

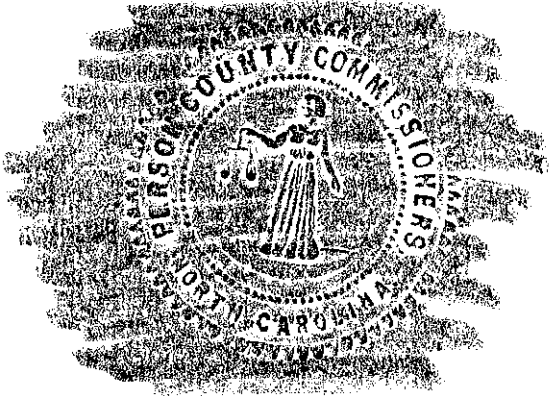
Section 2 - Prohibitions, Notices, Exceptions and Enforcement

- (a) *Smoking prohibited.* No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any Person County buildings, in Person County vehicles or within 50 feet of any recreation, health, and wellness amenity. All other county buildings will be regulated on an individual basis as determined by the Board of Commissioners. These buildings will be included as an appendix to this Ordinance.
- (b) *No smoking signs and instructions.* The individual or the individual's designee who is in charge of Person County buildings, Person County grounds, or Person County vehicles shall post signs in conspicuous areas of the building, vehicles and/or grounds. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. In addition, the individual or the individual's designee in charge of the building, vehicle and/or grounds shall direct a person who is smoking inside the building, or on the grounds, or in a vehicle, to extinguish the lighted smoking product.
- (c) *Exceptions.* This ordinance does not restrict or prohibit smoking in the following places:
- (a) Recreation Camp Sites
 - (b) Piedmont Community College buildings and grounds as governed by NCGS 115D-20.1.
 - (c) Designated areas which are 50 feet from any recreation, health, and wellness amenity and are approved by the Person County Recreation Advisory Board.
- (d) *Penalty for violation of section.* Any person violating the provisions of this section shall be guilty of an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this local ordinance may not be assessed court costs.

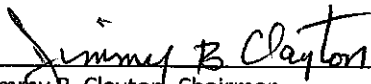
Section 3 –Effective Date

This ordinance shall be effective upon adoption by the Board of Commissioners.


Adopted, this, the 7TH day of January, 2013.



PERSON COUNTY
BOARD OF COMMISSIONERS


Jimmy B. Clayton, Chairman

Attest:


Brenda B. Reaves, NCCCC, CME
Clerk to the Person County
Board of County Commissioners

Appendix A

1. Airport- 285 Montgomery Drive, Timberlake, NC 27583
2. Animal Shelter- 2103 Chub Lake Road, Roxboro, NC 27574
3. Bushy Fork Grange Hall- 7854 Burlington Road, Hurdle Mills, NC 27541
4. Chamber of Commerce – 211 N. Main Street, Roxboro, NC 27573
5. Counseling Center- 204 W. Barden Street, Roxboro, NC 27573
6. Courthouse- 105 S. Main Street, Roxboro, NC 27573
7. Day Reporting Center- 26 Court Street, Roxboro, NC 27573
8. Emergency Communications (911 Center)- 301 Hill Street, Roxboro, NC 27573
9. Emergency Medical Services- 216 Barden Street, Roxboro, NC 27573
10. Helena Facility- 295 Helena-Moriah Road, Timberlake, NC 27583
11. Human Services Building- 355 S. Madison Boulevard., Roxboro, NC 27573
12. Kirby- 215 N. Main Street, Roxboro, NC 27573
13. Kirby Gallery- 213 N. Main Street, Roxboro, NC 27573
14. Law Enforcement Center- 120 Court St., Roxboro, NC 27573
15. Landfill (old)- 662 Cedar Grove Church Road, Roxboro, NC 27574
16. Library- 319 S. Main Street, Roxboro, NC 27573
17. Library House- 2461 Burlington Road, NC 27573
18. Maintenance Building (shop/office)- 2111 Chub Lake Road, Roxboro, NC 27574
19. Maintenance Storage Building- Morgan Street (behind tennis courts)
20. Mayo Lake Ranger House- 509 Neal's Store Road, Roxboro, NC 27574
21. Morgan Street Government Complex- 325 S. Morgan Street, Roxboro, NC 27573
22. Museum- 309 N. Main Street, Roxboro, NC 27573
23. Museum (Woody House)- 245 N. Main Street, Roxboro, NC 27573
24. Museum (Parsonage)- 315 N. Main Street, Roxboro, NC 27573
25. PATS (Person Area Transportation)- 341 S. Madison Blvd., Roxboro, NC 27573

26. PCC Training (Florist)- 217 N. Main Street, Roxboro, NC 27573
27. Person County Office Building- 304 S. Morgan Street, Roxboro, NC 27573
28. Person Industries- 600 N. Madison Boulevard, Roxboro, NC 27573
29. Register of Deeds- 21 Abbitt Street, Roxboro, NC 27573
30. Recycling Center- 741 Martin Street, Roxboro, NC 27573
31. Tax Administration- 13 Abbitt Street, Roxboro, NC 27573