

**AN ORDINANCE
AMENDING AND EXTENDING
THE PROHIBITION OF TOBACCO USE
IN AND ON PUBLIC PROPERTY IN OAK RIDGE**

WHEREAS, on March 5, 2009, the Town Council adopted an ordinance codified as Section 38-61 of the Town of Oak Ridge Code of Ordinances, prohibiting tobacco use in certain public places and public vehicles, as permitted under the enabling legislation then in effect; and,

WHEREAS, the 2009 session of the General Assembly enacted House Bill 2 (Session Law 2009-27) clarifying and expanding the authority of local governments under N.C. Gen. Stat. § 130A-491 et. seq. to prohibit tobacco use in or on public properties and in public places; and,

WHEREAS, it is the opinion of the Town Council that, in order to protect the health, safety, and welfare of the citizens of Oak Ridge and all persons using the public facilities thereof, and pursuant to the authority now vested in local governments, the ordinance adopted on March 5, 2009 should be repealed and replaced by an ordinance consistent with and implementing the prohibitions now authorized under Chapter 130A of the North Carolina General Statutes;

NOW, THEREFORE, BE IT ORDAINED:

Chapter 38-61 of the Code of Ordinances adopted on March 5, 2009, is repealed and replaced by the following new Chapter 38-61:

(a) *Purpose.* The Town of Oak Ridge recognizes the health risks of tobacco use and secondhand smoke for non-smokers. The Town of Oak Ridge is committed to providing a safe work environment for employees, volunteers, contractors, and the public by prohibiting tobacco use in or on any building, land, or motor vehicle owned or leased by the Town of Oak Ridge. 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. In support of this commitment, tobacco use will be prohibited in all Town-owned or leased buildings, lands, and motor vehicles.

(b) *Definitions.* For purposes of this section, the following definitions shall apply:

Smoker – A person who is smoking.

Smoking – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

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

Local government building – Any building owned, leased as lessor, or the area leased as lessee and occupied by, the Town of Oak Ridge.

Local government grounds – Any area other than a building, which is owned, leased as lessor, or leased as lessee and occupied by, the Town of Oak Ridge.

Local government vehicles – Any motor vehicle, as the same is defined under Chapter 20 of the North Carolina General Statutes, which is owned by the Town of Oak Ridge or which is a public transportation vehicle owned or leased by the Town of Oak Ridge and used by the public.

(c) *Tobacco Use Prohibited.* Tobacco Use is prohibited in or on all of the following:

- (a) All local government buildings;
- (b) All local government grounds;
- (c) All local government vehicles.

(d) *Signage.*

- (1) Persons in charge of buildings identified in subsection (c) shall post signs at all entrances and exits explaining the prohibition on tobacco use. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas of the building where tobacco use is likely, such as lobbies, conference rooms, bathrooms, and dining areas.
- (2) Persons in charge of vehicles identified in subsection (c) 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.
- (3) The signs required by subsections (1) and (2) of this section must be 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 “TOBACCO USE NOT PERMITTED IN THIS VEHICLE”. If a sign includes the international “No Tobacco Use” symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco enclosed in a red circle with a red bar across it), it must also include written text explaining the prohibition.
- (4) Persons in charge of buildings and vehicles identified in subsection (c) must determine whether signs should be posted in languages other than English.
- (5) All publicly available ashtrays shall be removed from any area where smoking is prohibited by this ordinance by the owner, operator, manager, or other person having control of the area.

(e) *Compliance and Penalties.*

- (1) The person in charge of any local government building, ground, or vehicle shall have the primary responsibility for enforcing this ordinance therein. Employees may bring violations to the attention of their supervisor or management.
- (2) Employees are responsible for complying with this ordinance. Violation of this ordinance by employees shall be a ground for discipline or discharge in accordance with the Town's personnel policies.

(f) *Effective Date.*

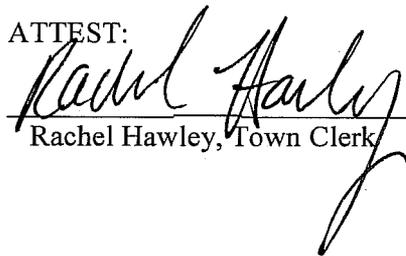
This ordinance shall be effective upon adoption.

Adopted this 7^m day of January, 2010.



Ray Combs, Mayor

ATTEST:


Rachel Hawley, Town Clerk