

Washington County Smoking and Tobacco Use Ordinance

Adopted October 7th, 2024

PROHIBITION ON *smoking and the use of tobacco products, in government buildings, vehicles, and grounds (including the County park system).*

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), smoking is the leading cause of preventable death in the United States (U.S.); and

WHEREAS, each year, cigarette smoking causes more than 480,000 deaths, which is nearly one in five people, in the United Statesⁱ; and

WHEREAS, the CDC reports that smoking habits and tobacco product use is started and established primarily during adolescence; with nearly 90% of adults who smoke cigarettes daily beginning smoking by age 18; and

WHEREAS, since 2014, E-cigarettes have been the most common tobacco product among youthⁱⁱ; and

WHEREAS, each day, close to 1,200 kids under 18 try their first cigarette and close to 100 kids become new, regular smokers; and

WHEREAS, children model adult behavior and benefit from positive models of non-smoking behavior and positive reinforcement of healthy lifestyle messagesⁱⁱⁱ; and

WHEREAS, research shows there is no safe level of exposure to tobacco or secondhand smoke, because even brief exposure can trigger harmful changes in the cardiovascular system and cause the onset of serious diseases such as lung cancer, heart disease, and strokes in smoking and non-smoking adults^{iv}; and

WHEREAS, on January 2, 2010, North Carolina Session Law 2009-27 entitled “An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment,” became effective, 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*”; and

WHEREAS, Pursuant to NCGS § 130A-498 and NCGS § 153A-121(a), which authorize local governments to restrict smoking in public places, and otherwise regulate, prohibit, or abate any act, by ordinance, which may be detrimental to the health and safety of its citizens; and

WHEREAS, the Washington County Board of County Commissioners are committed to providing a safe and healthy workplace in all county owned and controlled facilities, for

county employees, citizens, and the visiting public, and wishes to minimize the harmful effects thereon of smoking and tobacco use (including e-cigarette use); and

WHEREAS, the Martin-Tyrrell-Washington District Health Department provides support to employees and residents who wish to quit the use of tobacco products and encourages them to talk with their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and to use the free quitting support services of the North Carolina QuitlineNC at 1-800- QUIT-NOW (1-800-784-8669); and

WHEREAS, the Washington County Board of County Commissioners finds and declares that in order to protect the public health and safety, it is in the best interest of the citizens of Washington County to adopt this Ordinance to establish certain rules prohibiting the use of smoking and other tobacco products and use in public places and in county owned or controlled buildings, grounds and vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Washington County Board of County Commissioners that the following rules & regulations pertaining to smoking and tobacco use are hereby established and adopted as follows:

Section 1. Authority.

This ordinance is enacted pursuant to NCGS 130A-498, and 153A-121(a).

Section 2. Definitions

- (a) "**County building**". – A building owned, leased as lessor, or the area leased as lessee and occupied by the County.
- (b) "**County vehicle**". – Any vehicle owned, leased, or otherwise controlled by the County and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County business.
- (c) "**E-cigarette**". – Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. This 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 description.
- (d) "**Employee**". – A person who is employed by Washington 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) "**Grounds**". – An unenclosed area owned, leased, or occupied by the County.
- (f) "**Local health department**". – The district health department, public health authority, or county health department, the jurisdiction of which includes the County. Initially, this term shall mean the Martin-Tyrrell-Washington District Health Department.

- (g) **“County parks system”**. – Any tract of land or body of water comprising part of the County’s parks, playgrounds, recreation areas, greenways, or trails.
- (h) **“Smoking”**. – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- (i) **“Tobacco product”**. – Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e- cigarettes; cigars; little cigars; snuff; and chewing 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.**
- (j) **“Universal ‘No Smoking’ Symbol”**. – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.
- (k) **“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.

Section 3. Areas in Which Smoking and the Use of Tobacco Products are Prohibited or Permitted.

- (a) Except where expressly permitted pursuant to section (c) below or otherwise by applicable state law, smoking and the use of tobacco products are strictly prohibited at all times:
 - i. In Washington County buildings (including those in the County park system);
 - ii. In Washington County vehicles;
 - iii. On Washington County grounds;
 - iv. On the grounds of the Washington County parks system; and
- (b) The prohibition on smoking and the use of tobacco products in the places listed in section (a) above includes those times when they are being used for private events.
- (c) Areas in Which Smoking and the Use of Tobacco Products are Permitted. Smoking and the use of tobacco products are not regulated by this rule in the following places:
 - i. A private residence
 - ii. A private vehicle
 - iii. Within ten (10) feet of any specifically designated public smoking area posted as such by the County.

Section 4. Implementation.

- (a) The preliminary implementation period of this Ordinance shall be from the date of its initial adoption until January 1st, 2025. Afterwards this Ordinance shall be deemed in full continuous force and effect.
- (b) During the preliminary implementation period, and continuing thereafter, the County shall exercise reasonable efforts to inform its employees, citizens, and visiting members of the public about the implementation of these rules including without limitation:
 - i. Posting signs meeting all the requirements in Section 5 of this Ordinance.
 - ii. Removing all ashtrays and other smoking receptacles from places where smoking and tobacco products are prohibited.
 - iii. Informing a person who is smoking or using a tobacco product in violation of this Ordinance about its existence, and requesting such person immediately cease from continuing to engage in any prohibited activity or conduct. If the person does not comply, contact the Washington County Sheriff's Office.

Section 5. Signage. The signs referred to in Section 4 of this Ordinance should:

- (a) State in English and Spanish the applicable prohibition for the area (e.g. smoking and the use of tobacco products are prohibited) and include the applicable universal symbol (e.g., the "No Smoking and Use of Tobacco Products Prohibited" symbol).
- (b) Be of sufficient size to be clearly legible to a person of normal vision and be conspicuously posted.
- (c) Be posted at the entrance to each Washington County building and in other locations within the building reasonably calculated to inform employees and the public of the prohibition.
- (d) Be posted in each Washington County vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- (e) Be posted on Washington County grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.
- (f) Be posted on the grounds in the Washington County parks system in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

Section 6. Enforcement and Penalties

- (a) **Penalty for Violation.** Unless otherwise stated by NCGS § 130A-498(c1) or other laws governing local smoking ordinances, any individual who violates this Ordinance shall first receive an oral or written warning from the individual responsible for maintaining security in any designated non-smoking area

referenced in Sections 3, or their designee. For County-owned or operated facilities, the County Manager or their designee may issue such warnings. The warning will direct the individual to immediately cease prohibited behavior.

If the individual continues to engage in prohibited conduct after the warning, they will be deemed in violation of this Ordinance, constituting an infraction as defined by NCGS § 14-3.1. The violator may be subject to a fine of up to fifty dollars (\$50.00), imposed in accordance with NCGS § 15A Article 66 (Procedure for Hearing and Disposition of Infractions) or other applicable law. Conviction of an infraction under this section will result only in the payment of the fine unless otherwise specified by law.

- (b) Additional sanctions for employees. In addition to any penalty under subsection (a), employees of Washington County who violate this ordinance may be subject to disciplinary action consistent with Washington County’s personnel policies.

Section 7. Public Education

Washington County shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance to employees and citizens affected by it and to guide operators and managers in their compliance with it. In doing so, Washington County may rely upon materials and information provided by the local health department.

Section 8. Severability; Conflict of Laws.

If this ordinance or application thereof to any person or circumstance is held invalid for any reason, 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. All prior ordinances or parts of prior ordinances in conflict with this ordinance are hereby repealed.

Section 9. Effective Date.

This ordinance shall become fully effective on the 1st day of January 2025 following the implementation period provided for hereinabove.

ADOPTED this 7th day of October 2024.

Ann Keyes

Ann Keyes, Chair
Washington County Board of Commissioners

ATTEST:

Julie J. Bennett

Julie J. Bennett, MMC, NCMCC
Clerk to the Washington County Board of Commissioners



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- ⁱ Centers for Disease Control and Prevention. (2021, October 29). *Health effects of cigarette smoking*. Centers for Disease Control and Prevention. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm
- ⁱⁱ Centers for Disease Control and Prevention. (2023, November 2). *Youth and tobacco use*. Centers for Disease Control and Prevention. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm
- ⁱⁱⁱ American Lung Association. (n.d.). *Tobacco facts: State of Tobacco Control*. State of Tobacco Control | American Lung Association. <https://www.lung.org/research/sotc/facts>
- ^{iv} *U.S. state and local issues: Smoke-free laws*. Campaign for Tobacco-Free Kids. (n.d.). <https://www.tobaccofreekids.org/what-we-do/us/smoke-free-laws>