

**DUPLIN COUNTY
SMOKING, TOBACCO, VAPOR AND E.N.D.S. USE ORDINANCE
(DESIGNATED SMOKING AREAS)**

ARTICLE 1. PURPOSE. Due to the significant medical risks connected to smoking, including e-cigarettes, to both smokers and individuals exposed to secondhand smoke, the Duplin County Board of County Commissioners finds that the regulation and control of smoking in buildings and vehicles owned or leased by the county is a matter of vital concern, affecting the public health, safety and welfare of all persons employed by or transacting business with the county.

ARTICLE 2. AUTHORITY. On January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment, North Carolina Session Law 2009-27, 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." The Duplin County Board of Commissioners feel that it is necessary to preserve, protect, and promote the public health, safety, and welfare of the Citizens of Duplin County to restrict the use and location of tobacco use on County property.

ARTICLE 3. DEFINITIONS.

The following definitions are applicable to this ordinance.

1. "Cabin Lake County Park" – An enclosed or unenclosed area owned, leased or operated by Duplin County as part of its Parks & Recreation program located at 220 Cabin Lake Road, Pink Hill, Duplin County, North Carolina.
2. "County building" – A building owned, leased as lessor, or the area leased as lessee and occupied by Duplin County.
3. "County vehicle" – A passenger-carrying vehicle owned, leased, or otherwise controlled by Duplin County and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County business.
4. "Designated Smoking Areas" – a specified area on County property where smoking is permitted that is identified by proper signs."
5. "E.N.D.S" – Electronic Nicotine Delivery Systems (also known as e-cigarettes, e-cigars, e-hookahs, and e-pipes.
6. "Grounds". – An unenclosed area owned, leased, or occupied by the County within fifty (50) feet of a County owned, leased or occupied building.

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

8. "Tobacco". – Any product containing, made, or derived from tobacco that is intended for human consumption, smoked, absorbed, dissolved, inhaled, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; Cavendish; shorts; refuse scraps, clippings, cutting and sweepings of tobacco; and other kinds and forms of 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.

9. "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.

10. "Vaping" – the use of electronic nicotine delivery systems or electronic smoking devices.

ARTICLE 4. AREAS WHERE SMOKING, VAPINGS & E.N.D.S. PROHIBITED.

(a) Smoking, Vaping, and the use of E.N.D.S. are prohibited:

- (1) In any County building owned, leased, or occupied, as herein defined;
- (2) In any County vehicle owned, leased, or controlled by the County;
- (3) Cabin Lake County Park; and
- (4) Within fifty (50) feet of any County building owned, leased, or occupied by the County. EXCEPTION: DESIGNATED SMOKING AREAS SPECIFICALLY MARKED.

ARTICLE 5. SIGNAGE.

- (a) The County shall post signs that meet all the requirements of this Section.
- (b) State in English that smoking, vaping, and the use of E.N.D.S. are prohibited and include the universal "No Smoking" symbol.
- (c) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- (d) Be posted at each entrance to a County building and in other locations within the

building reasonably calculated to inform employees and the public of the prohibition.

- (e) May be posted in each County vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle or the purpose of the vehicle.
- (f) Be posted on County grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

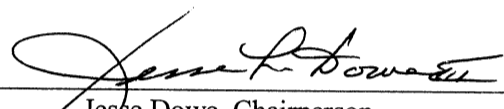
ARTICLE 6. ENFORCEMENT & VIOLATIONS.

- (a) Criminal penalties. Violation of this Ordinance shall constitute a Class 3 misdemeanor. Each day during which a violation continues shall be determined a separate and distinct offense.

Section 5. Effective Date.

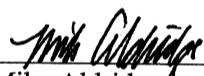
This Policy shall be effective on DECEMBER 1, 2017.

Adopted this 20TH day of NOVEMBER, 2017.



 Jesse Dowe, Chairperson
 Duplin County Board of Commissioners

ATTEST:


 _____ Clerk to Board of Commissioners
 Mike Aldridge