

## ARTICLE II.

### SMOKING\*

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\* **Editors Note:** An ordinance adopted October 11, 1993, did not specifically amend the Code; hence, codification of Arts. I--XI as §§ 9-51--9-61 was at the discretion of the editor.

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#### **Sec. 9-51. Title.**

This article shall be called the Transylvania County Smoking Ordinance.  
(Ord. of 10-11-93, Art. I)

#### **Sec. 9-52. Scope.**

This article shall be applicable to all buildings, properties, and parks owned, leased, or occupied by the county or any of its departments or agencies, and all other public buildings or public places within the county.  
(Ord. of 10-11-93, Art. II; Amended 11-12-19)

#### **Sec. 9-53. Authority.**

This article is adopted pursuant to the authority of North Carolina General Statutes, Section 130A-498.  
(Ord. of 10-11-93, Art. III; Amended 10-28-19; Amended 11-12-19)

#### **Sec. 9-54. Purpose.**

The purpose of this article is to protect the health, safety and general welfare of all county employees and the general public entering any of the various buildings, properties, and parks owned, occupied, or leased by the county, and all other public places within the county. This article seeks to reduce fire hazards, improve indoor-air quality, and minimize any health risks associated with involuntary exposure to secondhand smoke and electronic tobacco product aerosol.  
(Ord. of 10-11-93, Art. IV; Amended 10-28-19; Amended 11-12-19)

#### **Sec. 9-55. Definitions.**

[The following terms, when used in this article, shall have the meanings ascribed to them herein, except where context clearly indicates a different meaning:]

*County buildings:* Any building owned, leased, or occupied by the county or any of its departments or agencies, now or in the future.

*County parks:* Any park owned, leased or occupied by the county or any of its departments or agencies, now or in the future. (Ord. of 11-12-19)

*County properties:* Any property owned, leased, or occupied by the county or any of its departments or agencies, now or in the future. (Ord. of 11-12-19)

*Employee:* Any person who is employed by the county in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services.

*Nonsmoking area:* An area where smoking is prohibited.

*Place of employment:* Any enclosed areas of county buildings in which county employees perform a substantial majority of their job duties.

*Public building or public place:* Any area, enclosed or not enclosed, to which the public is permitted or invited.

*Smoking:* Inhaling, exhaling, burning, or carrying any lighted cigar, lighted cigarette, or any lighted tobacco product, or electronic tobacco and/or vapor product in any manner or in any form.  
(Ord. of 10-11-93, Art. V; Amended 11-12-13; Amended 10-28-19)

#### **Sec. 9-56. Prohibited in public places.**

- (a) Tobacco use, including smoking, shall be prohibited in all county buildings and facilities.
- (b) Tobacco use, including smoking, shall be prohibited on all county properties, including parks.
- (c) Any owner, operator, manager or other person who controls any establishment or facility open to the public may declare that a portion of or the entire establishment or facility is a nonsmoking establishment.
- (d) Clear and conspicuous signs shall be posted in every building and on all property where smoking is regulated by this article.  
(Ord. of 10-11-93, Art. VI; Amended, 9-19-17; Amended 10-28-19; Amended 11-12-19)

#### **Sec. 9-57. Signs.**

- (a) "No Smoking," or other signs relating to this article, shall have letters of not less than one (1) inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) no smaller than three (3) inches in diameter.
- (b) Signs shall be conspicuously posted in county buildings and on county properties and parks in a position clearly visible, where smoking is regulated.  
(Amended 11-12-19)
- (c) No person shall remove or deface any sign or placard required to be posted by or under the authority of this section.  
(Ord. of 10-11-93, Art. VIII)

#### **Sec. 9-58. Penalty.**

Violations of this article shall not constitute a misdemeanor. Violators shall be given a verbal warning followed by a written warning. Further violation of this article shall be referred to the governing board.

(Ord. of 10-11-93, Art. IX; Amended 11-12-19)

**Sec. 9-59. Severability.**

If any section, or part thereof, of this article is declared to be invalid by a court of competent jurisdiction, the remainder of the article shall remain, to the extent possible, in full force and effect, unaffected by such declaration of invalidity.


(Ord. of 10-11-93, Art. X)

**Sec. 9-60. Future modifications.**

This article may be amended at any time by the county board of commissioners to impose a more stringent or less stringent smoking standard for county buildings, parks and properties.

(Ord. of 10-11-93, Art. XI)

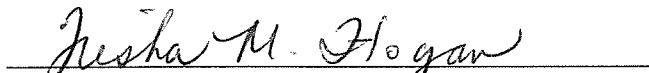
Amended and adopted this the 12<sup>th</sup> day of November, 2019 to effective upon adoption.



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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:



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Trisha M. Hogan, Clerk to the Board

