



**AN ORDINANCE REGULATING SMOKING
IN COUNTY BUILDINGS AND VEHICLES**

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WHEREAS, counties are granted broad police power authority to protect the health, safety and welfare of county employees and the general public by N.C.G.S. 153A-121 and authority to regulate the use of county property by N.C.G.S. 153A-169; and

WHEREAS, it is in the public interest to improve indoor air quality, reduce fire hazards, and minimize any health risks associated with involuntary exposure to environmental tobacco smoke. Now, therefore,

BE IT ORDAINED by the Mecklenburg County Board of Commissioners that:

Section 1. Definitions

"Smoking" shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

Section 2. Smoking Prohibited in County Buildings

It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased to, leased by, operated, occupied, managed or controlled by the County or by the Public Library of Charlotte and Mecklenburg County.

Section 3. Smoking Prohibited in County Vehicles

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the County when one or more non-smoking passenger(s) is (are) in the vehicle.

Section 4. Exemptions

This Ordinance shall not apply to the following:

- a. The locked portion of the existing Mecklenburg County Jail located at 801 East Fourth Street
- b. The locked portion of the existing Mecklenburg County Satellite Jail located at 2833 North Tryon Street.

Section 5. Penalty

- a. Any person who violates any provision of this Ordinance shall be subject to payment of a civil penalty of fifty dollars (\$50.00) for each violation. A person duly designated by the Board of County Commissioners shall be authorized to send a civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing

that the violator pay the penalty to the County Tax Collector's office within fifteen (15) days of receipt of the citation.

- b. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty (30) days.

Section 6. Conflict of Laws

If any portion of this Ordinance or the enforcement thereof is found to be preempted by state or federal law, such preemption shall not operate to invalidate the rest of the Ordinance and the same shall remain in full force and effect. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. Effective Date

This Ordinance shall be effective upon adoption.

Adopted this the 7th day of September, 1993.