

Town of Badin Ordinance 93-9

AN ORDINANCE REGULATING SMOKING IN MUNICIPAL BUILDINGS AND VEHICLES FOR THE TOWN OF BADIN, NORTH CAROLINA

WHEREAS, municipalities are granted broad police power authority to protect the health, safety and welfare of municipal employees and the general public by N.C.G.S. 160A-174; 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 Town Council of the Town of Badin, North Carolina that:

SECTION 1. Definitions.

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

SECTION 2. Smoking Regulated in Municipal 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, operated, occupied, managed or controlled by the Town.

SECTION 3. Smoking Prohibited in Municipal Vehicles. It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the Town unless all occupants or passengers use smoking materials and all consent.

SECTION 4. Posting of Signs. The Town Manager shall cause each building to be posted with appropriate signs indicating that smoking is prohibited. Such signs shall be posted in a conspicuous place designed to give notice to the public as well as to employees.

SECTION 5. Exemptions. This ordinance shall not apply to the following:

- (a) In Town owned buildings or facilities leased to and occupied by others, and
- (b) In open air sheds or similar facilities where "Smoking Permitted" signs have been placed.

SECTION 6. Penalty. Violation of this ordinance shall subject the offender to a civil penalty in the amount of \$25.00 to be recovered by the Town. Violators shall be issued a written citation which must be paid to the Town within 72 hours. Violation of this ordinance shall not constitute a misdemeanor or infraction punishable under N.C.G.S. 14-4.

SECTION 7. 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 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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 8. Effective Date. This ordinance shall be effective upon adoption.

ADOPTED this the 12th day of October, 1993 by the Town Council of the Town of Badin, North Carolina.