



News Release

FOR IMMEDIATE RELEASE

July 26, 2013

Public Information Office

Contact: Sally Shutt, Public Information Director

Telephone: 910-437-1921

E-mail: sshutt@co.cumberland.nc.us

County Prepares for Smoke-Free Sites

FAYETTEVILLE – Temporary signs will soon be posted at 15 Cumberland County Government facilities informing the public and county employees that effective Jan. 1, 2014, smoking will no longer be allowed anywhere on those properties.

The smoke-free campuses include county facilities housing Department of Public Health employees, the Department of Social Services building and all library branches. The Board of Commissioners approved the revised smoking ordinance in May. Smoking has been prohibited in all county buildings and vehicles, and within 25 feet of all entrances to those buildings, since 1993.

On Jan. 1, smoking will be prohibited anywhere on the grounds, including parking lots, of the following sites:

- Department of Public Health, 1235 Ramsey St.
- Department of Social Services, 1225 Ramsey St.
- E. Newton Smith Center/Board of Elections, 227 Fountainhead Lane
- Historic Courthouse, 130 Gillespie St.
- Hope Mills WIC office, 2622 Hope Mills Road
- Spring Lake Family Resource Center, 103 Laketree Blvd., Spring Lake
- County Facility at 109 Bradford Ave.
- All eight branches of the Cumberland County Public Library & Information Center

Health Director Buck Wilson, with the Board of Health's recommendation, requested a change in the county's smoking ordinance making all campuses housing Health Department employees smoke free. The DSS shares a campus with the Public Health Center and the Social Services Board supported a smoke-free campus as well. The Library Board of Trustees requested all library properties be included.

"Cumberland County wishes to minimize the harmful effects of smoking among county employees and eliminate secondhand smoke exposure for employees and the public," Wilson said.

In addition to the signs, fliers will be available with information on free quitting smoking support services such as the QuitlineNC at 1-800-QUIT-NOW (1-800-784-8669). The county's Employee Wellness Program is scheduling smoking cessation classes in the coming months to assist county employees in quitting smoking.

The ordinance is attached for your reference.

-end-

**AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REPEALING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND
COUNTY CODE AND ADOPTING A REVISED CHAPTER 9.5, ARTICLE III. SMOKING,
OF THE CUMBERLAND COUNTY CODE**

WHEREAS, Cumberland County adopted an ordinance in 1993 (Cumberland County Code §9.5-91) prohibiting smoking in all county leased and owned buildings and vehicles, and within 25 feet of the entrance or exit to any public building; and,

WHEREAS, research indicates tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity; and

WHEREAS, Cumberland County wishes to minimize the harmful effects of smoking among County employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles, and grounds controlled by the County; and

WHEREAS, the Cumberland County Smoking Ordinance has been codified as Chapter 9.5, Article III, Sections 9.5-90-98 of the Cumberland County Code; and

Whereas, the Board of Commissioners wishes to make a comprehensive revision of Chapter 9.5, Article III. Smoking. of the Cumberland County Code by the repeal of Chapter 9.5, Article III. Smoking, of the Cumberland County Code and the adoption of the Revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code as set forth below; and

WHEREAS, the Board of Commissioners finds the comprehensive revision of Chapter 9.5, Article III. Smoking, of the Cumberland County Code to be in the public interest and to promote the public health, safety, and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Chapter 9.5, Article III. Smoking, of the Cumberland County Code is hereby repealed in its entirety and a revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code is hereby adopted.

Sec. 9.5-90. Purpose and intent.

Numerous reliable studies have found that tobacco smoke is a major contributor to indoor air pollution and have shown that breathing side-stream or secondhand smoke is a significant health hazard to nonsmokers. The Surgeon General of the United States has concluded that involuntary or passive smoking is the cause of disease, including lung cancer, in healthy nonsmokers and has estimated that involuntary smoking causes more deaths, approximately 5,000 per year, than all other airborne pollutants combined, excluding asbestos. The board of county commissioners recognizes the increasing evidence that smoke creates a danger to the health of some citizens and is a cause of annoyance and physical discomfort to those who are

in confined spaces where smoke is present. The board of county commissioners also recognizes that research indicates that during active smoking outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity. The purpose and intent of this article is to promote the public health, safety and general welfare by prohibiting smoking within all county leased or owned buildings and vehicles and on designated grounds.

Sec. 9.5-91. Definitions.

The following terms, words, and phrases as used in this article are hereby defined as follows:

County building shall mean a building owned, leased as lessor, or the area leased as lessee and occupied by the County.

Employee shall mean a person who is employed by the County of Cumberland, 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.

Enclosed area shall mean the interior portion of a county owned or leased building.

Grounds shall refer to all unenclosed property surrounding county buildings.

Public building shall mean any enclosed area of any building or structure owned, leased, operated, maintained or managed, directly or indirectly, by the county.

Smoke or *smoking* shall refer to:

- (1) The carrying or holding of a lighted pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device;
- (2) The possession of any burning tobacco, weed or other plant product; or
- (3) The lighting of, emitting of, exhaling of the smoke of a pipe, cigar or cigarette of any kind.

Sec. 9.5-92. Smoking prohibited in public buildings and vehicles.

Smoking shall be prohibited within all public buildings and vehicles except the public areas of the Charlie Rose Agri-Expo Center. The public areas of the Charlie Rose Agri-Expo Center shall be limited to the lobby and the exhibit floor of the building. No smoking is to be allowed in the office portions of the Agri-Expo Building or in the restrooms, concession stands, or ticket booths. The Civic Center Commission is authorized and directed to develop rules and policies to regulate smoking at the Charlie Rose Agri-Expo Center. Smoking is permitted on the grounds of all public buildings not specifically designated herein as non-smoking grounds, but not within 25 feet of the entrance or exit of any public building.

Sec. 9.5-93. Smoking prohibited on designated grounds.

Smoking is prohibited on the grounds of the Department of Social Services building located at 1225 Ramsey St., Fayetteville, NC 28301 and the grounds of any County building where Cumberland County Health Department services are provided, including 130 Gillespie Street Fayetteville, NC 28301 (the Historic Courthouse); 103 Laketree Blvd. Spring Lake, NC 28390;

2622 Hope Mills Road Millview Place – Suite 100, Fayetteville, NC 28306; 1235 Ramsey Street Fayetteville NC 28301 (the primary Health Department facility); 227 Fountainhead Lane Fayetteville NC 28301; 109 Bradford Avenue Fayetteville NC 28301. Smoking is also prohibited on the grounds of county library facilities including the following: 300 Maiden Lane Fayetteville NC 28301; 3711 Village Drive Fayetteville NC 28304; 6882 Cliffdale Road Fayetteville NC 28314; 4809 Clinton Road Fayetteville NC 28312; 3411 Golfview Road Hope Mills NC 28348; 855 McArthur Road Fayetteville NC 28311; 101 Laketree Blvd. Spring Lake NC 28311; and 7469 Century Circle Fayetteville NC 28306.

Sec. 9.5-94. Posting of signs required.

"No smoking" with letters of not less than one 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) shall be clearly, sufficiently and conspicuously posted in every public building or other place where smoking is regulated by this article, by the public official having control of such building or other place. No person shall remove or deface any sign required to be posted by or under the authority of this article.

Sec. 9.5-95. Implementation Requirements

(a) The County shall remove all ashtrays and other smoking receptacles from grounds where smoking is prohibited.

(b) The person in charge of the grounds where smoking is prohibited, or his or her designee, shall direct a person who is smoking in a prohibited area to cease and, if the person does not comply, shall contact the designated enforcement officer for the County.

(c) The county shall provide county employees with resources for quitting smoking or tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline (1-800-QUIT-NOW (1-800-784-8669)).

Sec. 9.5-96. Enforcement and Penalties

(a) *Penalty for Violation.* Following oral or written notice by the person in charge of an area described in Section 3, or his or her designee, failure to cease smoking constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A person duly authorized 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 office within 14 days of receipt of the citation.

(b) *Additional sanctions for employees.* In addition to any penalty under subsection (a), employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County's human resources policies.

Sec. 9.5-97. Other applicable laws.

This article shall not be interpreted nor construed to permit smoking where it is otherwise prohibited or restricted by other applicable laws.

Sec. 9.5-98. Effective date.

This ordinance shall be effective the 1st day of January, 2014.

Adopted this 6th day of May, 2013.

_____, Chairperson
Cumberland County Board of Commissioners

ATTEST:

Clerk to Board of Commissioners

Approved as to Form:

_____ County Attorney