

Orange County Board of Health Smoke-Free Public Places Rule

A Summary for Orange County and the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County

Legal Authority

The 2010 NC Smoke-free Restaurants and Bars Law (N.C. Gen. Stat. 130A-498) allows local governments to adopt and enforce smoke-free ordinances that are more comprehensive than State law in local government buildings, grounds, vehicles, or in public places.



300 West Tryon Street
Hillsborough, NC 27278

919.245.2400

orangecountync.gov/health/

Overview

Where would smoking be prohibited by this rule?

- County and Town buildings and grounds
- County and Town vehicles
- County and Town Parks Systems including playgrounds, trails, and athletic fields
- Bus Stops
- Sidewalks that are maintained by the County or Town including those connected to a public school
- Public Transportation
- Polling Places
- Child Care Facilities
- Shopping Malls
- Elevators
- Public Restrooms
- Retail Stores
- Galleries, Libraries and Museums
- Entertainment and Sports Arenas
- Gaming facilities including Internet Sweepstakes and Video Poker
- Lobbies, Hallways and other Common Areas in Apartment Buildings, Condominiums, Retirement Facilities, Nursing Homes and other Multi-Unit Residential Facilities
- Office and Other Commercial Establishments where the public is invited, or permitted

Where would smoking not be regulated by this rule?

- Private residences
- Private vehicles
- Tobacco shops
- Tobacco manufacturers, growers, processors
- Designated smoking guest rooms in lodging establishments. No greater than twenty percent (20%) of a lodging establishment's guest rooms may be designated smoking guest rooms
- Cigar bars
- Private clubs
- Motion picture, television, theater, or other live production sets. This exemption applies only to the actor or performer portraying the use of tobacco products during the production
- UNC Chapel Hill (Existing University policy will remain in effect)

Implementation Requirements

Education and preparation period would begin on January 1, 2013 and include:

- Educating the public about the rule and the reasons for the new rule
- Educating County and Town employees of facilities covered under this rule
- Posting signs that meet all local sign requirements
- Removing all ashtrays and smoking receptacles
- Directing smokers to cease using products in prohibited areas
- Contacting law enforcement in cases of non-compliance to issue warnings

Smoke-Free Public Places Rule - Continued

Enforcement and Penalties - Effective date of July 1, 2013

Citizens - Failure to cease smoking in a prohibited area following warning constitutes an infraction punishable by a fine of \$25 issued by law enforcement. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

Employees - In addition to any penalty above, employees of Orange County and employees of the Towns who violate this Rule shall be subject to disciplinary action consistent with their respective employer's personnel ordinances or policies.

Persons who manage or operate a public place - The Orange County Health Director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place and fails to comply with the provisions of this Rule:

- First violation. Written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.
- Second violation. Written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
- Third and subsequent violations. Health Director may impose an administrative penalty of not more than \$200.

Signage Requirements

- State in English and Spanish that smoking is prohibited and includes the universal "No Smoking" symbol.
- Be of sufficient size to be clearly legible to a person of normal vision.
- Post at each entrance to a County or Town and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.
- Post on County grounds and Town grounds including the Parks System in locations and at intervals reasonably calculated to inform the employees and the public of the prohibition.
- Post in each County vehicle and each Town vehicle in areas visible to passengers. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- Post on County and Town sidewalks at intervals so as to reasonably inform the public of the prohibition.
- Post at bus stops in areas visible to the public.
- A person who manages, operates, or controls a public place in which smoking is prohibited by this Rule shall post signs required to be posted in enclosed areas.

Public Education

The County and the Towns will engage in ongoing public education to explain and clarify the purposes and requirements of this Rule to citizens, and to guide operators and managers in their compliance. The Health Department will provide information and technical assistance for this purpose to:

- Educate the public on the new rule and reasons for it through news media, websites and educational materials.
- Promote resources for quitting tobacco - QuitlineNC, toll-free 1-800-QUIT-NOW, www.QuitlineNC.com.
- Work with County and Town human resource staff to educate employees about the Rule and how they can assist with compliance.
- Provide tobacco cessation information to employees.



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