



Board of Health Ordinance 8

Amending Clallam County Code Chapter 19.05, as related to a revised
"Prohibiting Smoking on Clallam County Property" Ordinance

BE IT OBDAINED BY CLALLAM COUNTY BOARD OF HEALTH:

Section 1. Section .010, name of section, is amended to read as follows:

See attached revised Ordinance to include vaping.

ADOPTED this 17th day of July 2018

CLALLAM COUNTY BOARD OF HEALTH

A handwritten signature in blue ink, appearing to read "Gerald Stephanz", written over a horizontal line.

Dr. Gerald Stephanz
Board of Health Chair

A handwritten signature in blue ink, appearing to read "Christopher Frank", written over a horizontal line.

Christopher Frank, MD, PhD
Clallam County Health Officer

ATTEST:

A handwritten signature in blue ink, appearing to read "Cheryl Williams", written over a horizontal line.

Cheryl Williams, Clerk of the Board

Chapter 19.05

PROHIBITING SMOKING ON CLALLAM COUNTY PROPERTY

Sections:

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- 19.05.110 Severability.
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SOURCE: Clallam County Board of Health Ordinance 8 ADOPTED: July 17, 2018

19.05.010 Purpose.

This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential of exposure to the effects of environmental tobacco and vapor smoke.

19.05.020 Legislative findings.

The Clallam County Board of Commissioners finds that:

(1) Extensive medical and scientific research confirms that environmental tobacco and/or vapor smoke is harmful to smokers and nonsmokers alike, causing eye, nose, and throat irritation; aggravating lung and heart diseases, including emphysema; and is linked to various types of cancer. There are no peer reviewed studies that prove that vapor products or e-cigarettes are safe for the user, or that second hand vapor product emissions are not a health threat to non-users.

(2) Additional medical and scientific research concludes that carbon monoxide levels in rooms and vehicles where smoking occurs often exceeds maximum permissible safety levels and that other hazardous compounds are released into the environment by tobacco smoke, including but not limited to: tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide, and arsenic. Nicotine, one of the main chemical components of most e-liquid concoctions, is a highly addictive and toxic chemical. Regardless of the source (tobacco or vapor products), the ingestion and inhalation of nicotine is not safe and can cause ill health effects.

(3) Health research further shows that smoking in the workplace causes loss in employee morale and productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage, and other detrimental impacts to both public and private property.

(4) The Washington State Legislature recognized the health risks of secondhand smoke, which is known to cause cancer, pneumonia, asthma, bronchitis, and heart disease. Citizens are often exposed to secondhand smoke in the workplace, and are likely to develop chronic, potentially fatal diseases as a result of such exposure. Thus legislature enacted the Smoking In Public Places (formerly the Washington Clean Indoor Air Act), codified at Chapter 70.160 RCW.

(5) It is necessary to create designated smoking locations in order to protect County employees and the public from the health and property hazards created by tobacco and vapor smoke and limit the litter associated with smoking debris.

(6) Under the State Department of Labor and Industries' Environmental Tobacco Smoke regulation, WAC 296-800-24010, the County must minimize the amount of environmental tobacco and vapor smoke that enters its office buildings.

19.05.030 Definitions.

As used in this chapter, the following terms have the meanings indicated:

- (1) "County personnel" means all persons employed by Clallam County, including any elected or appointed official or department head of Clallam County.
- (2) "County workplace" means any County-owned and/or -operated building, any County-owned and/or -operated property, or in a County-owned and/or -operated vehicle.
- (3) "Environmental tobacco and vapor smoke" means a mixture of smoke emitted from burning tobacco or vapor products and smoke exhaled by a smoker.
- (4) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance. (source: RCW 70.345.010: <http://app.leg.wa.gov/RCW/default.aspx?cite=70.345.010>)
- (5) "Public business" means any activity, service, work or function done by, on behalf of, or under the authority of Clallam County by County personnel.
- (6) "Smoke" or "smoking" means the carrying, inhaling, or exhaling of smoke from any kind of lighted pipe, cigar, cigarette, electronic cigarette, vapor products, or any other lighted smoking equipment, implement, apparatus, or item.
- (7) "Smoking debris" means, but is not limited to, cigarette or cigar butts, cigarette paper, vaping, or cigarette product packaging, tobacco, smoke, ash, disposable vapor products, or any other residue resulting from smoking.

19.05.040 Smoking prohibited.

No person shall smoke within or upon a County workplace, Veterans Center, County Park, or trail except in designated areas authorized by the Board of Clallam County Commissioners.

19.05.050 Exceptions.

The restriction in CCC 19.05.040 shall not apply to the following:

- (1) Privately owned vehicles parked or operated at a County workplace.
- (2) Lands designated and operated as roads.
- (3) Undeveloped, County-owned land.

19.05.060 Designated smoking areas.

The following are designated as authorized smoking areas and are in addition to the exemptions listed in CCC 19.05.050:

- (1) Juvenile and Family Services Facility. The designated employee smoking area shall be the area as identified and signed under the overhang outside of the building and located on the north side of the facility just east of the generator room. The designated public smoking area shall be the area as identified and signed located approximately sixty-five (65) feet to the northeast of the main entrance to the administrative offices.
- (2) At the County fairgrounds smoking/vaping is only allowed in "Designated Smoking Areas" as established by the Fair Board. (3) County Road and ERR Maintenance Yards and Gravel Pits. The designated smoking areas shall be established as outdoor locations located no closer than fifty (50) feet from any main door entrance to any building and at least twenty-five (25) feet away from any nonsmoking staff or public. Designated covered smoking areas for use during inclement weather shall be equipment sheds when not occupied by other nonsmoking staff.

(4) Courthouse Complex. The designated smoking area for employees and public use shall be the area as identified and signed located within the entire triangular landscaped portion of the east courthouse parking lot, which includes a covered shelter at the southwestern most corner.

19.05.070 Duties.

(1) Department heads, elected officials or other supervisors shall notify all employees of their respective departments about the subject of this chapter immediately following its adoption.

(2) Notice of this chapter shall be posted near entrances to County workplaces and at driveway entrances of the Clallam County Courthouse, Juvenile and Family Services, and Road Shop locations.

(3) Department heads and elected officials having control or supervision of a County workplace shall make every reasonable effort to ensure compliance with this chapter, including but not limited to posting signs as appropriate under this chapter, and advising the public or County personnel that smoking in a County workplace is prohibited.

19.05.080 Penalties and enforcement – Fines.

(1) Any person violating this chapter by smoking in a County workplace shall pay a civil fine of \$65 for the first offense. Subsequent offenses shall increase by \$40 increments.

(2) At the discretion of Clallam County District Court, a person who violates this chapter may complete a smoking cessation program in lieu of paying a fine.

(3) Local law enforcement shall enforce this chapter by issuing a notice of infraction and citing this chapter. Such notice of infraction shall be made upon the same forms as for nontraffic infractions.

(4) Any violation of this chapter for which a notice of infraction is issued shall be disposed of in the same manner as provided for traffic infractions under Chapter 7.80 RCW.

(5) All fines or forfeitures collected upon enforcement of this chapter shall be paid to Clallam County or applicable jurisdiction. If appropriate, the maximum allowable percentage shall be paid to Clallam County Health and Human Services' Tobacco Prevention and Control Program.

(6) Clallam County may adopt policies to enforce this chapter.

19.05.090 Private actions.

(1) This chapter shall not be construed to prohibit private persons or organizations from bringing an action to enjoin violations of this chapter, nor shall it be construed to limit other actions in any way.

(2) In undertaking enforcement of this chapter, Clallam County is assuming and undertaking only to promote the general welfare. Clallam County is not assuming, nor is it imposing on County personnel, an obligation for breach of which the County or its personnel are liable in monetary damages.

19.05.100 Liberal construction.

This chapter is remedial in nature and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

19.05.110 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the chapter or its application to other persons or circumstances shall not be affected.

19.05.120 Effective date.

This chapter shall take effect sixty (60) days after adoption by the Clallam County Board of Commissioners.