

FILED
MAR 23 2017
TASSI O'NEIL
COUNTY CLERK
4 pm ✓

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of an Ordinance)
Requiring that Tillamook County) ORDINANCE #82
Property Be Smoke-Free and)
Tobacco-Free and Ordering Referral)
to the Voters)

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This ordinance shall be known as the Tillamook County smoke-free and tobacco-free County property ordinance.

Section 2. Purpose

The purpose of this ordinance is to promote the long-term health and safety of Tillamook County employees and the public by prohibiting the use of all tobacco products in Tillamook County buildings, on Tillamook County property and grounds, and in county vehicles. This ordinance is also intended to ensure compliance with the Oregon Indoor Clean Air Act.

Section 3. Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

“Electronic smoking device” means an electronic or battery-operated device that delivers nicotine or other substances in vapor form and which may simulate smoking. “Electronic smoking device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar or cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.

“Enclosed area” means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways that extend from floor to ceiling.

“Tillamook County property” or “County property” means all interior and exterior areas owned or leased by the County; the interior of any building, structure, or facility that is owned or leased by the County; any parking area or parking facility owned or leased by the County; all outdoor property or grounds owned or leased by the county; and any

vehicle that is owned or leased by the county. The term "Tillamook County property" does not include any county road.

"Tobacco product" means cigarettes, cigars, pipes, and any other smoking product; dip, chew, snuff, snus, and any other smokeless product; and electronic smoking devices.

"Use of tobacco product" means to inhale, exhale, burn, carry, ingest or use any tobacco product or tobacco-like product; or to carry any lighted or heated product. "Use of tobacco product" includes the use or the carrying of any electronic smoking device that is turned on or producing vapor. The term "use of tobacco product" does not include the use of any product specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product if the product is marketed and sold solely for the approved purpose.

"Vehicle" means any machine owned or leased by the County in, upon or by which any person or property is or may be transported or drawn upon a public road or public waterway and includes vehicles that are propelled or powered by any means.

Section 4. Prohibitions

- A. The use of tobacco products is prohibited at any time on Tillamook County property.
- B. Without limiting the foregoing, the prohibition in subsection (A) of this section applies to the use of tobacco products:
 - 1. Within the interior of any County property that is a building or structure;
 - 2. On any County grounds or facility;
 - 3. On any County property that constitutes a parking area; and
 - 4. In any County vehicle.
- C. A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument within ten feet of the following parts of a County owned or leased building:
 - 1. Entrances;
 - 2. Exits;
 - 3. Windows that open; or
 - 4. Ventilation intakes that serve the building.

The prohibition in subsection (C) of this section applies whether or not the person is on Tillamook County property.

Section 5. Exception

- A. Smoking or other use of any tobacco products is permitted:
 - 1. In designated campsites in developed overnight camping areas unless temporarily suspended by the Parks Manager due to high fire hazard condition.

Section 6. Enforcement and Penalties

- A. This ordinance shall be enforced by the Tillamook County Sheriff's office or Tillamook County code enforcement.
- B. Violation of any of the provisions of this Ordinance shall be a Class D violation, with a maximum penalty of \$250 in fines.
- C. The provisions of this ordinance are in addition to, and not in lieu of, any other procedures and remedies provided by law, including equitable relief and damages.

Section 7. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 8. Referral to Voters

- A. The Board has conducted two public hearings on this matter and is fully apprised of the issues. The Board finds that this Ordinance is an appropriate exercise of its police powers, and further, should be referred to the electors for approval or rejection during the November 7, 2017 election.

Section 9. Effective Date

If approved by the electors, this Ordinance shall take effect on January 1, 2018 at 12:01 a.m.

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Date of First Reading: March 1, 2017.

Date of Second Reading: March 22, 2017.

ADOPTED this 22nd day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Bill Baertlein
Bill Baertlein, Chair

Tim Josi
Tim Josi, Vice Chair

David Yamamoto
David Yamamoto, Commissioner

ATTEST: Tassi O'Neil, County Clerk

By [Signature]
Special Deputy

Aye Nay Abstain/Absent

✓ — — / —

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APPROVED AS TO FORM:

[Signature]
William K. Sargent, County Counsel

