



**Village of Wesley Chapel Ordinance No. 2012-14  
Ordinance Prohibiting Smoking and the Use of Other Tobacco Products  
On all Village Property**

**WHEREAS**, according to the Centers for Disease Control and Prevention (CDC) , tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

**WHEREAS**, in 2006 a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. The report stated that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

**WHEREAS**, tobacco is a recognized carcinogen in humans and health risks associated with use of smokeless tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes; 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 (such as sitting next to someone on a park bench, or children accompanying a smoking parent or guardian); and

**WHEREAS**, on January 2, 2010 “An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment”, North Carolina Session Law 2009-27 became effective, authorizing local governments to adopt and enforce ordinances “that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places”; and

**WHEREAS**, the Village of Wesley Chapel is committed to providing a safe and healthy environment in all Village facilities for its employees and the public

**NOW, THEREFORE, BE IT ORDAINED** by the Village Council of Wesley Chapel that the use of all tobacco products, including tobacco that is intended to be smoked in a cigarette, cigar, pipe or other smoking device or is in smokeless form, is hereby prohibited in all Village buildings, vehicles, park grounds and any property owned or operated by the Village of Wesley Chapel. Any person who continues to use products

in a nonsmoking area in violation of this ordinance despite notice by the person in charge of the building or area that use of tobacco products is not permitted is guilty of an infraction and will be liable for a fine of not more than \$50.00. This Ordinance shall be effective June 1, 2013.

Adopted this 16th day of October, 2012.

Attest:

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Cheryl Bennett, Clerk

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Mayor Brad Horvath

**A. Definitions:**

“Grounds” – An unenclosed area owned, leased, or occupied by the Village of Wesley Chapel.

“Local government building” – A building owned, leased as lessor, or the area leased as lessee and occupied by a local government.

“Local vehicle” – A passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

“Smoking” – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

**B. Areas in which Smoking and Tobacco Use is Prohibited**

Smoking and the use of tobacco products is prohibited:

1. In any building owned, leased, occupied, or operated by the Village of Wesley Chapel;
2. In any public transportation vehicle owned, leased, or operated by the Village of Wesley Chapel;
3. On any grounds that are owned, leased, occupied, or operated by the Village of Wesley Chapel;

**C. Signage:**

1. Persons in charge of buildings or grounds identified in Section B shall post signs at all entrances and exits explaining the prohibition of tobacco use.
2. Persons in charge of vehicles identified in Section B shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle.
3. Signs must state that tobacco use is prohibited and the sign must include the international “No Smoking and Smokeless Tobacco” symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it).

4. Signs must be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark, be conspicuously posted and must not be obscured in any way.

**D. Enforcement and Penalties;**

1. Violations by employees – employees who violate this ordinance shall be subject to sanctions consistent with Village human resources policies.
2. Violations by other persons – Any person who, following oral or written notice by the person in charge of the area or the person's designee, continues to smoke or to use tobacco products in an area where smoking or tobacco use is prohibited by Section B commits an infraction. Pursuant to Section 130A-498(c1) of the North Carolina General Statutes, the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00) and may not be assessed court costs. Conviction of an infraction under this section has no consequence other than payment of a penalty.
3. Any amendments to the enforcement or penalty provisions listed in NC G.S. 130A-498(c1) apply to this ordinance.