

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 468

4
5
6 **Relating to tobacco, smoke, and nicotine free county property; and amending LCC 7.550,**
7 **7.570 and 7.580.**
8

9
10 The Lincoln County Board of Commissioners ordains as follows:

11 **SECTION 1.**

12 Sections 2 through 5 of this Ordinance are added to and made a part of LCC Chapter
13 7, as indicated.

14 **SECTION 2.**

15 *[SMOKING AT COUNTY FACILITIES]*

16 **TOBACCO, SMOKE, AND NICOTINE FREE COUNTY PROPERTY**

17 7.550 Definitions for LCC 7.550 to 7.580

18 As used in LCC 7.550 to 7.580:

19 (1) “County *[building]* **property**” means any *[enclosed]* **property, building, or**
20 **land** owned or leased by Lincoln County.

21 *[(2) “Smoking instrument” means any cigar, cigarette, pipe, electronic cigarette or*
22 *other smoking equipment.]*

23 (2) “**Tobacco, smoke, and nicotine free**” includes, but is not limited to,
24 **cigarettes, cigars, pipes, marijuana, and any other smoking and/or nicotine containing**
25 **product; dip, chew snuff, snus, and any other smokeless tobacco and/or nicotine**

1 containing product; and nicotine delivery devices, such as electronic cigarettes or
2 vaping instruments, excluding FDA-Approved nicotine replacement therapy products
3 for the purpose of tobacco cessation.

4 **SECTION 3.**

5 LCC 7.570 is amended to read:

6 *[7.570 Smoking Prohibited Except in Designated Areas*

7 *No person shall smoke or carry any lighted smoking instrument on any county*
8 *property, except in areas designated as smoking areas pursuant to LCC 7.580.]*

9 **7.750 Tobacco, Smoke, and Nicotine Free Environment for County Properties**

10 **(1) Use of tobacco, smoke, and/or nicotine products is prohibited on County**
11 **properties. No Lincoln County employee, volunteer, intern, client, visitor, or vendor,**
12 **shall carry any lighted smoking or vaping instrument or use a tobacco, smoke, or**
13 **nicotine product on any leased or owned Lincoln County property. There are no**
14 **designated areas for the use of tobacco, smoke, and/or nicotine product use or**
15 **exceptions to this policy outside of the cultural exemption related to the American**
16 **Indian Religious Freedom Act.**

17 **(2) This Section shall be further defined and enforced by Board policy**
18 **contained in an adopted Board Order, which may be amended from time to time at the**
19 **discretion of the Board.**

1 *[7.580 Designating Areas Where Smoking Permitted; Changing Areas; Posting*
2 *Signs.*

3 *(1) The Lincoln County Board of Commissioners may designate areas in which*
4 *smoking is permitted. In the following county parks, no person shall smoke within 25 feet of*
5 *any building:*

- 6 • *Cannon Quarry Park*
- 7 • *Five Rivers Launch*
- 8 • *Knight Park*
- 9 • *Moonshine Park*
- 10 • *Elk City Park*
- 11 • *Jack Morgan Park*
- 12 • *Ichwhit (Bear) Park*
- 13 • *Strome Park*
- 14 • *Twin Bridges Park*
- 15 • *Mike Miller Park*
- 16 • *Drift Creek Park*
- 17 • *Logan Road Wayside*
- 18 • *Seal Rock Wayside*
- 19 • *Any other property designated a county park from the adoption of this*
20 *ordinance forward.]*

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (2) The Lincoln County Public Works Department shall post appropriate signs **to**
2 **implement this Section.** *[indicating areas in which smoking has been permitted or*
3 *prohibited by the Board of Commissioners].*

4 **SECTION 5.**

5 This Ordinance shall take effect ninety (90) days from the date of its adoption.

Adopted this _____ day of _____, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Terry N. Thompson, Chair

Bill Hall, Commissioner

Doug Hunt, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

Tanya Graham, Recorder

Wayne Belmont, County Counsel