

## Chapter 12.20

### SMOKING ORDINANCE

#### Sections:

- 12.20.010 Short title.
- 12.20.020 Definitions.
- 12.20.030 Smoking Prohibited.
- 12.20.040 Smoking Permitted in Designated Areas.
- 12.20.050 Exceptions
- 12.20.060 Indoor Clean Air Act.

12.20.010 Short title. This chapter shall be referred to as the Smoking Ordinance.

12.20.020 Definitions. The definitions in ORS 433.835 shall apply to words and phrases in this chapter unless the context clearly indicates otherwise.

12.20.030 Smoking Prohibited. Except as provided in sections 12.20.040 and 12.20.050, no person shall smoke or carry any lighted smoking instrument in any enclosed area or vehicle owned, occupied or leased by the County.

12.20.040 Smoking Permitted in Designated Areas.

A. The Board of Commissioners, at its sole discretion, may allow smoking in enclosed areas owned, occupied or leased by the County if all of the following conditions exist:

1. The enclosed area not occupied or used at any time by nonsmokers.
2. Smoke from the enclosed area cannot escape to any area occupied or used at any time by nonsmokers.
3. The enclosed area is separately ventilated and directly exhausted outside the building.
4. The Administrator of the County Health and Social Services Department certifies to the Board of Commissioners that smoking in the enclosed space will not create a health hazard for nonsmokers.
5. Smoking in the enclosed area will not interfere with any operations of the County.
6. Smoking in the enclosed area will not create a substantial hazard to any property owned or leased by the County.

B. Appropriate signs shall be posted in areas governed by this chapter. (Ord. 98-2-2 §1, 1998)

12.20.050 Exceptions.

A. This chapter shall not apply to:

1. Any dwelling unit, as defined in ORS 90.100 that the County, as landlord, leases or rents to a tenant.
2. Any dwelling unit occupied by a county employee whose occupancy is conditional upon employment.
3. Any enclosed area that the County, as landlord, leases or rents to a tenant, if neither the enclosed area, nor any part of the building in which the enclosed area is located, is used by the County.

B. This chapter shall not apply inside an incorporated city without the consent of the governing body pursuant to ORS 203.040.

12.20.060 Indoor Clean Air Act. This chapter is not intended to allow smoking in any area contrary to the provisions of the Oregon Indoor Clean Air Act (ORS 433.835 to 433.875). (Ord. 90-11-2, 1990)