

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Sitting/Acting as (if applicable)

Study Session Worksheet

Presentation Date: July 8, 2014 **Approx Start Time:** 1:30 **Approx Length:** 15
Minutes

Presentation Title: Proposed Amendments to County Code Chapter 6.04 Smoking
Regulations in and Around County Facilities

Department: County Counsel

Presenters: Stephen Madkour

Other Invitees:

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Authorization to proceed to public hearing and first reading of proposed changes to
county code regarding smoking in or around county facilities. See Attachment A

EXECUTIVE SUMMARY:

Chapter 6.04 of the County Code regulated smoking in and around county facilities.
The proposed amendment to the code clarifies some of the language in the existing
code, and also includes in the definition of prohibited items electronic cigarettes and
chewing tobacco. The amendments provide additional clarifications.

FINANCIAL IMPLICATIONS (current year and ongoing):

None

LEGAL/POLICY REQUIREMENTS:

The county's current policy does not clearly apply to or prohibit electronic or E-
cigarettes. These changes are necessary to provide clarity.

PUBLIC/GOVERNMENTAL PARTICIPATION:

The proposed language would amend the current county code. Code amendments
require two public hearings at least 13 days apart. The public will have at least two
opportunities to be heard.

OPTIONS:

1. Proceed to a public hearing and a first reading of the ordinance by title only as
currently drafted;

2. Amend the language and proceed to a public hearing and a first reading of the ordinance by title only as amended;
3. Retain existing policy.

RECOMMENDATION:

Staff recommends proceeding to a public hearing and a first reading of the ordinance by title only as currently drafted or with minor amendments.

ATTACHMENTS:

Attachment A - Chapter 6.04 (Strikeout version)

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Stephen L. Madkour at 503-655-8362

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 04-2006, 6-29-06] [7/7/2014 2:04:47 PM](#)

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Chapter 6.04

~~6.04~~ **6.04 TOBACCO USE SMOKING REGULATIONS IN AND AROUND COUNTY FACILITIES**

[The Title of Chapter 6.04 changed by Ord. 04-2008, 12/18/08]

6.04.010 Purpose

The purpose of this chapter is to protect the health and welfare of the public, County employees and of all Clackamas County by providing a place that is free of [tobacco, tobacco smoke, vapor and other smoking instruments](#) for all employees, clients, contractors, [volunteers](#), and visitors to County facilities, and to reduce costs for the repair, maintenance and cleaning of County property, and to reduce the risk of fire.

[Codified by Ord. 05-2000, 7/13/00; Repealed and Replaced by Ord. 04-2008, 12/18/08]

6.04.020 Definitions

As used in this chapter:

- A. COUNTY FACILITY means an enclosed area that is operated, owned, leased, or rented by Clackamas County, or any of its departments or agencies. It includes, but is not limited to buildings, portions of buildings, meeting rooms, elevators, stairways, and motor vehicles that are operated in the course of County business ~~that are not operated exclusively by one employee.~~
- B. DESIGNATED SMOKING AREA means a location sheltered or unsheltered that is designated by Clackamas County and posted with signage that indicates it is a permissible smoking area.
- C. 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 the floor to the ceiling.
- D. SMOKING means [using, inhaling, exhaling, burning or carrying any smoking instrument, or lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form, including the use of electronic smoking devices which create a vapor.](#)
- E. SMOKING INSTRUMENT means any cigar, cigarette, pipe, ~~or other smoking equipment, including any form of electronic cigarette or smoking apparatus; also includes smokeless dissolvable tobacco or nicotine product; chewing tobacco, also known as chew, snuff, or dip.~~
- F. [TOBACCO PRODUCT includes any means any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. "Tobacco Product" includes any electronic smoking device. "Tobacco Product" does not mean any](#)

[product that the United States Food and Drug Administration has approved as a tobacco use cessation product.](#)

[Codified by Ord. 05-2000, 7/13/00; Repealed and Replaced by Ord. 04-2008, 12/18/08]

6.04.030 Policy

- A. Smoking is prohibited inside all County facilities. Smoking is restricted to designated smoking areas outside County facilities on County property. These prohibitions shall apply to all employees, clients, contractors, [volunteers](#), and visitors.
- B. A person may not smoke [or use](#) ~~or carry~~ any ~~lighted~~ smoking instrument within 25 feet of the following parts of a County facility:
 - 1. Entrances;
 - 2. Exits;
 - 3. Windows that open; and
 - 4. Ventilation intake that serves an enclosed area.
- C. A conspicuous sign stating that smoking is prohibited shall be posted at the entrance of every County facility where smoking is prohibited by this chapter.

[Codified by Ord. 05-2000, 7/13/00; Repealed and Replaced by Ord. 04-2008, 12/18/08]

6.04.040 Violation

It is a violation of this chapter for any person to smoke in any area where smoking is prohibited by this chapter.

[Codified by Ord. 05-2000, 7/13/00; Repealed and Replaced by Ord. 04-2008, 12/18/08]

6.04.050 Severability

If any clause, section or provision of this chapter is declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall remain in full force and effect and be valid as if the invalid portion had not been incorporated herein. [Codified by Ord. 05-2000, 7/13/00; Repealed and Replaced by Ord. 04-2008, 12/18/08]