

Mason County Board of Commissioners
Ordinance No. 91-06

IN RE:

ADOPTION OF REVISIONS TO MASON COUNTY CODE, CHAPTER 2.104 SMOKING POLICY AND CHAPTER 9.44 COUNTY PARKS AND FAIRGROUNDS.

WHEREAS, the Centers for Disease Control (CDC) reports tobacco use is the leading preventable cause of death in the United States, causing an estimated 440,000 deaths each year, and

WHEREAS, the Surgeon General reports secondhand smoke contains more than 50 cancer-causing chemicals, which contributes to an increased risk for lung cancer and heart disease in nonsmokers and an increased risk for sudden infant death syndrome (SIDS), respiratory problems, ear infections, and asthma attacks in children, and

WHEREAS, on April 4, 2006 the Mason County Board of Commissioners adopted the revised Clean Indoor Air Act, Chapter 70.160 RCW, by reference as Chapter 9.60 Clean Indoor Air Act Adopted in the Mason County Code, and

WHEREAS, on April 6, 2006 the Mason County Board of Health passed Resolution 01-06, recommending new smoking policies on county property to 1) ensure compliance with the revised Clean Indoor Air Act, Chapter 70.160 RCW and 2) to promote healthy, smoke-free outdoor areas for county employees and citizens, and


WHEREAS, the Mason County Board of Health, through Resolution 01-06, recommends that the Mason County Board of Commissioners revise the Mason County Code, Chapter 2.104 Smoking Policy and Chapter 9.44 County Parks and Fairgrounds to reflect the new smoking policies, NOW THEREFORE

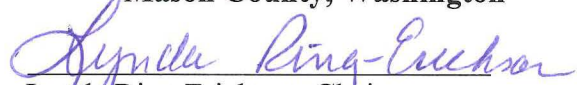
BE IT RESOLVED, the Mason County Board of Commissioners hereby adopts the revisions to Mason County Code, Chapter 2.104 Smoking Policy (Attachment A) and Chapter 9.44 County Parks and Fairgrounds (Attachment B).

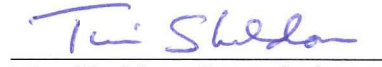
Dated this 22nd day of August, 2006

Mason County Board of Commissioners
Mason County, Washington

Attest:


Clerk of the Board


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner

Approved as to Form:


TJ Martin
Mason County Deputy Prosecuting Attorney


Jayni L. Kamin, Commissioner

Attachment A

Chapter 2.104 SMOKING POLICY

2.104.010 Non-smoking areas designated.

2.104.020 Public areas and county property defined.

2.104.030 Posting of signs and removal of ashtrays.

2.104.040 Violation--Penalty.

2.104.050 Interpretation.

2.104.010 Non-smoking areas designated.

(a) All public areas within buildings and vehicles owned or leased by the county are designated as non-smoking areas. (Ord. 30-87 § 1, 1987, Ord. 23-06 §, 2006).

(b) All owned, leased, or operated county property is designated as non-smoking areas.

2.104.020 Public areas and county property defined.

(a) The term "public areas" is defined for the purpose of this chapter, but not limited to: all hallways, conference rooms, elevators, restrooms, lobbies, stairwells, reception areas, and any other areas which are 1) open to the public or 2) areas which employees are required to pass through during the course of employment. (Ord. 30-87 § 2, 1987; Ord. 23-06 §, 2006).

(b) The term "county property" is defined as the grounds and parking lots surrounding county buildings (including a presumptively reasonable minimum distance of 25 feet from doors, windows that open, and ventilation intakes), the fairgrounds, and all county parks. **County property does not include:**

- (1) Private vehicles and residences unless otherwise required by individual or group contracts with the county;
- (2) County roads;
- (3) Any person passing by or through county property while on a public sidewalk or public right of way has not intentionally violated this chapter. (Ord. 23-06 §, 2006).

2.104.030 Posting of signs and removal of ashtrays.

The department of Facilities and Grounds shall post and maintain no-smoking signs in all public areas and county property as defined herein, and remove ashtrays from those public areas. (Ord. 30-87 § 5, 1987).

2.104.040 Violation--Penalty.

(a) Pursuant to RCW 70.160.070--Intentional Violators, any person intentionally violating this policy by smoking in a public place, place of employment, or within 25 feet of doors, windows that open and ventilation intakes or any person removing, defacing or destroying a sign required by this policy is subject to a civil fine of up to one hundred dollars (\$100). The county sheriff's department shall enforce this policy by issuing a notice of civil infraction to be assessed in the same manner as traffic infractions. (Ord. 30-87 § 6, 1987; Ord 23-06 §, 2006).

(b) All county employees shall be encouraged to help educate the public about the non-smoking policy by reminding violators not to smoke on the property and by adding the policy to all use agreements and event publications. Violators, who refuse to comply with the smoking policy, may be asked to leave the county property.

- (c) The appropriate department director or elected official shall be responsible for educating employees about the non-smoking policy and shall resolve intentional employee violations of the policy through disciplinary action.

2.104.050 Interpretation.

This chapter shall be interpreted in a manner that is consistent with RCW Chapter 70.160, Washington Clean Indoor Air Act, prohibiting smoking in all public places and places of employment. (Ord. 30-87 § 7, 1987; Ord 23-06 §, 2006).

Attachment B

Chapter 9.44 COUNTY PARKS AND FAIRGROUNDS

9.44.010 Speed of motor vehicles.

9.44.020 Parking of motor vehicles, trailers, etc.

9.44.030 Consumption of alcoholic beverages.

9.44.040 Intoxication in county parks or fairgrounds.

9.44.041 Smoking in county parks or fairgrounds

9.44.042 No tobacco sales, advertising, sampling or sponsorship

9.44.050 Park periods.

9.44.060 Fireworks--Restricted.

9.44.070 Rubbish--Deposit in parks or fairgrounds--Prohibited.

9.44.080 Sanitation.

9.44.090 Firearms and/or other weapons.

9.44.100 Dogs on leashes--Horses.

9.44.110 Violation--Penalties.

9.44.010 Speed of motor vehicles.

No person shall drive a motor vehicle within any county park or the county fairgrounds at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property or wildlife:

(1) Provided, however, that in no event shall a vehicle be driven at a speed greater than ten miles per hour in camp, picnic, utility or headquarters areas, areas of general public assemblage, or in parking lots;

(2) And, provided further, that in no event shall a vehicle be driven at a speed greater than twenty-five miles per hour in any other area. The county, however, upon finding that the safety of persons and the condition of the road and the traffic thereon so warrants, may establish lower speed limits and shall post the same in the area so established;

(3) And, provided further, that it shall be a misdemeanor to operate any motor vehicle in any planted area. (Ord. 23-92 § 1, 1992).

9.44.020 Parking of motor vehicles, trailers, etc.

(a) No operator of any automobile, trailer, camper or other vehicle, shall park such vehicle in any county park or the county fairgrounds area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked in a designated parking area, or in another area with the permission of the manager or park supervisor.

(b) No person shall park, leave standing or abandon a vehicle in any county park or the county fairgrounds after closing time, except when camping in a designated area, or with permission from the manager or park supervisor.

(c) No person shall park, leave standing or abandon a vehicle in any county park or the fairgrounds in areas designated "No Parking."

(d) Any unauthorized vehicle found parked in violation of subsections (a), (b) or (c) of this section may be towed away at the owner's or operator's expense. (Ord. 23-92 § 2, 1992).

9.44.030 Consumption of alcoholic beverages.

Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any county park or the county fairgrounds shall be prohibited except in the following designated areas and under the following circumstances:

- (1) In designated campgrounds, by registered campers or their guests;
- (2) In any buildings leased or rented or in a designated signed area, wherein the lessor has obtained and displays the proper permits from the Washington State Liquor Control Board. (Ord. 23-92 § 3, 1992).

9.44.040 Intoxication in county parks or fairgrounds.

Being or remaining in, or loitering about in any county park area or the fairgrounds while in a state of intoxication shall be prohibited. (Ord. 23-92 § 4, 1992).

9.44.041 Smoking in county parks or fairgrounds.

All county property, including county parks and fairgrounds, shall be designated non-smoking areas. County property does not include:

- (1) Private vehicles and residences unless otherwise required by individual or group contracts with the county.
- (2) County roads.
- (3) Any person passing by or through county property while on a public sidewalk or public right of way has not intentionally violated this chapter. (Ord. 23-06 § 2006).

9.44.042 No tobacco sales, advertising, sampling or sponsorship.

- (a) The sale of tobacco products or tobacco related merchandise is prohibited on county owned or leased property or during county sponsored events.
- (b) Advertising tobacco products is prohibited on county owned or leased property or during county sponsored events.
- (c) Sampling (free distribution) of tobacco products or tobacco related merchandise is prohibited on county owned or leased property or during county sponsored events.
- (d) Tobacco sponsorship (compensation or promotional items) is prohibited on county owned or leased property or during county sponsored events.

9.44.050 Park periods.

The county shall establish for each county park area and the county fairgrounds, according to existing conditions, times and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the area affected and at the facility office. No person shall enter or be present in a county park area or the county fairgrounds after closing time except with specific permission of the park or fairgrounds manager; as a county parks or fairgrounds employee; or as a guest of a county parks or fairgrounds employee. (Ord. 23-92 § 5, 1992).

9.44.060 Fireworks--Restricted.

- (a) No person shall possess, discharge, set off or cause to be discharged, in or into any county parks area or the county fairgrounds, any firecrackers, torpedoes, rockets, fireworks, explosives or substance harmful to the life or safety of persons or property.

(b) Provided however, that fireworks may be permitted as a part of a professionally conducted display by competent, licensed, bonded pyro technicians, subject to the approval of the local fire district and the county fire marshal. (Ord. 23-92 § 6, 1992).

9.44.070 Rubbish--Deposit in parks or fairgrounds--Prohibited.

(a) No person shall leave, deposit, drop or scatter bottles, broken glass, ashes, waste paper, cans or other rubbish, in a county park area or the fairgrounds, except in a garbage can or other receptacle designed for such purpose.

(b) No person shall deposit any household or commercial garbage, refuse, waste or rubbish, which is brought as such from any private property, in any county park area or the county fairgrounds garbage can designed for such purpose. (Ord. 23-92 § 7, 1992).

9.44.080 Sanitation.

No person shall, in any county park area or the county fairgrounds:

(1) Drain or dump refuse or waste from any trailer, camper, automobile or other vehicle, except in designated disposal areas or receptacles;

(2) Clean fish or other food, or wash any clothing or other article for personal household use or any dog or other animal, except at designated areas;

(3) Clean or wash any automobile or other vehicle;

(4) Pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind or description, including human or animal bodily waste, the soil, any stream, river, lake or other body of water running in, or adjacent to, any county park area or the fairgrounds. (Ord. 23-92 § 8, 1992).

9.44.090 Firearms and/or other weapons.

No person shall possess a firearm with a cartridge in any portion of the mechanism within any county park area or the fairgrounds, nor shall any person discharge or propel across, in or into any county park area or the fairgrounds, a firearm, bow and arrow, spear, spear gun, harpoon or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the county for good cause has authorized a special recreational activity upon finding that it is not inconsistent with county parks or fairgrounds use. (Ord. 23-92 § 9, 1992).

9.44.100 Dogs on leashes--Horses.

(a) No person shall bring a dog into any county park or the fairgrounds unless the dog is controlled by means of a hand-held leash no longer than six feet. The dog must not be tied and abandoned, but must be at all times under the personal control of the person bringing it to the parks or fairgrounds.

(b) Provided however, that during the days of the county fair and for the three days prior to the county fair, no dogs will be allowed in exhibit areas or other areas frequented by the general public of the fairgrounds with the exception of service animals for the handicapped and those being exhibited in the fair.

(c) Provided further, that during the aforementioned period of the fair, dogs in camping areas and parking areas must be on a leash and secured such that they are not a menace to passersby.

(d) Provided further, no person shall bring a horse into county park areas, except those park areas specifically developed and posted for horse use. (Ord. 23-92 § 10, 1992).

9.44.110 Violation--Penalties.

(a) All county employees shall be encouraged to help educate the public about the smoking and tobacco policies in this chapter by reminding violators not to smoke on the property and by adding the guidelines to all use agreements and event publications. Violators, who refuse to comply with the smoking and tobacco policies, may be asked to leave the county park or fairgrounds area.

(b) In addition to the penalty provided in any other existing or future ordinance of the county, failure to comply with this chapter, or any other rule or regulation of the county parks or fairgrounds, or with any other federal, state, or local law, rule, regulation applicable under the circumstances, shall subject the person so failing to comply to ejection from any county park area or the fairgrounds shall be guilty of a misdemeanor and subject to a fine of fifty dollars. (Ord. 23-92 § 11, 1992).