

Per
Book

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting a Procedure)
for Designating Smoking and Non-Smoking)
Areas in Columbia County Buildings)
and Vehicles)
_____)
ORDINANCE NO. 91-7

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 91-7.

SECTION 2. PURPOSE.

The purpose of this ordinance is to adopt a procedure for designating smoking and non-smoking areas in Columbia County buildings and vehicles.

SECTION 3. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035 and 433.835 to 433.875.

SECTION 4. SCOPE.

This ordinance shall apply within all Columbia County buildings and vehicles located in the unincorporated areas of the County. It shall also apply within Columbia County buildings and vehicles located inside incorporated cities in Columbia County whose governing body or electors have consented to application of this ordinance.

SECTION 5. IMPLEMENTATION.

The Board of County Commissioners may designate smoking and non-smoking areas in Columbia County buildings and vehicles by adoption of an order or resolution which shall be entered into the Commissioners' Journal. Such order or resolution will become effective and will have the force of law when signs are placed or erected in the designated smoking or non-smoking areas giving notice of the designation.

SECTION 6. ENFORCEMENT.

- A. No person shall smoke or carry any lighted smoking instrument in any area designated as a non-smoking area by an order or resolution adopted pursuant to this ordinance. Violation of this provision is unlawful and an offense and is hereby declared to be an infraction.

- B. In addition to any other remedies which may be permitted by law, this ordinance may be enforced by, and violators hereof, and of any orders or resolutions adopted hereunder, are subject to the penalties provided in, the Columbia County Enforcement Ordinance.
- C. Upon issuance of a letter of authority signed by the Board of County Commissioners pursuant to Section 11 of the Columbia County Enforcement Ordinance, the Columbia County Sheriff, and any deputy sheriff shall be authorized to, have jurisdiction of and may enforce violations of this ordinance and of orders or resolutions adopted pursuant to this ordinance. Their authority and jurisdiction is subject to the primary authority of the Board of County Commissioners. They may issue a citation or warning to any person who violates this ordinance and of orders or resolution adopted pursuant to this ordinance.

SECTION 7. SEVERABILITY CLAUSE.

If, for any reason, any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion of the ordinance shall be deemed a separate, distinct and independent portion and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 8. EMERGENCY CLAUSE.

This ordinance being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and, subject to ORS 203.040, it shall become effective on May 1, 1991.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 1st DAY OF May, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. King
Office of County Counsel

Attest:

By: Cherie Maylan
Recording Secretary

First Reading: 05-01-91
Second Reading: 05-01-91
Effective Date: 05-07-91

By: Michael J. Dupree
Chairman

By: R. Steinmuller
Commissioner

By: J. L. R. Patton
Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Prohibiting Smoking)
in County Buildings and Vehicles)
_____)

ORDER NO. 149-91

WHEREAS, the Oregon Indoor Clean Air Act ("the Act") states:

"The people of Oregon find that because the smoking of tobacco creates a health hazard to those present in confined places, it is necessary to reduce exposure to tobacco smoke by requiring nonsmoking areas in certain places." ORS 433.840; and

WHEREAS, the Act further states:

"No person shall smoke or carry any lighted smoking instrument in a public place except in areas designated as smoking areas pursuant to ORS 433.850." ORS 433.845; and

WHEREAS, due to complaints from employees and the public, and concerns about the health risks of secondhand smoke, the Board of County Commissioners feels there is an obligation to reduce exposure of its employees and the public to secondhand smoke; and

WHEREAS, on May 1, 1991 the Board adopted Ordinance No. 91-7, "In the Matter of Adopting a Procedure for Designating Smoking and Non-Smoking Areas in Columbia County Buildings and Vehicles"; and

WHEREAS, pursuant to Section 5 of that ordinance, the Board may designate smoking and non-smoking areas in Columbia County buildings and vehicles by adoption of an order which shall be entered in the Commissioners' Journal; and

WHEREAS, the Board has received and considered an extensive amount of oral and written comments on the need for designated smoking and non-smoking areas;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Smoking Prohibited. No person may smoke within any of the following Columbia County buildings and vehicles which are hereby designated as non-smoking areas:

- Old Columbia County Courthouse;
- Courthouse Annex;
- Former Education Service District Building;
- Animal Control Building;
- Road Department Building;
- Clatskanie Shops;
- Rainier Shops;
- Vernonia Shops;
- Museum in Vernonia; and
- All County Vehicles.

2. Exceptions. The following areas are designated as smoking areas:

Booking Area of the Columbia County Jail; and the
Lunchroom in the Old Columbia County Courthouse.

3. Limitations. Nothing in this order is intended to restrict smoking
outside of Columbia County buildings and vehicles.

4. Effective Date. Subject to Section 5 of Ordinance No. 91-7, this
order is effective beginning May 2, 1991.

5. Enforcement. This order is enforceable as a personnel rule. In
addition, subject to ORS 203.040, this order is enforceable under the Columbia
County Enforcement Ordinance.

DATED at St. Helens, Oregon this 1st day of May, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. King
Office of County Counsel

By: Michael J. Dukeo
Chairman

By: A. B. Kimball
Commissioner

By: G. L. R. Peterson
Commissioner