An Ordinance Prohibiting Smoking In Certain County Buildings
With Penalties

WHEREAS, extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and non-smokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

WHEREAS, extensive medical and scientific research concludes that carbon monoxide levels in rooms where smoking occurs often exceed maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and non-smokers alike in their general health and specific job performances; and

WHEREAS, extensive research shows that smoking in the workplace causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage, and other detriments to both public and private property; and

WHEREAS, recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job related ailments suffered by employees as a result of tobacco smoke in the workplace; and

WHEREAS, the Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the workplace and has therefore enacted the Washington Clean Indoor Air Act, codified at Chapter 70.160, RCW; and

WHEREAS, it is necessary to limit smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke; and

WHEREAS, it is in the best interest of all county employees, the public, and the county as a municipal corporation to adopt a comprehensive ordinance regulating smoking in all county owned or operated workplaces, establishing rights and duties related thereto, and providing penalties and enforcements of such regulations:
Now, therefore, the following ordinance is hereby ordained by the Kitsap County Board of Commissioners.

SECTION 1. Legislative Findings

The Kitsap County Board of Commissioners makes the following findings:

(a) Extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and non-smokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

(b) Extensive medical and scientific research concludes that carbon monoxide levels in rooms where smoking occurs often exceeds maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and non-smokers alike in their general health and specific job performances; and

(c) Extensive research shows that smoking in the workplace causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage and other detriments to both public and private property; and

(d) Recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job related ailments suffered by employees as a result of tobacco smoke in the workplace; and
(e) The Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the workplace and has therefore enacted the Washington Clean Indoor Air Act, codified at Chapter 70.160, RCW; and

(f) It is necessary to limit smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke; and

SECTION 2. Definitions

As used in this ordinance, the following terms have the meanings indicated.

(a) **County personnel** means any elected or appointed official or department head of Kitsap County, including all employees of Kitsap County.

(b) **County workplace** means any structure or portion thereof owned and operated by or under the authority of Kitsap County.

(c) **Private social function** means any event which is not open to the public and for which no attendance fee, donation or similar charge is required or permitted.

(d) **Public business** means any activity, service, work or function done by, on behalf of, or under the authority of Kitsap County by county personnel.

(e) **Smoke or smoking** means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment, implement, apparatus or item.

SECTION 3. Smoking Prohibited

No person shall smoke in a county workplace except as provided in this ordinance.

SECTION 4. Exceptions

The prohibition in section 3 above shall not apply in or to the following:

(a) Decks, porches or similar structures open to the weather on at least three sides.

(b) Private living quarters supplied by Kitsap County to county personnel in the course of their employment, but only to the extent not used for public business.
(c) Where the county workplace has been rented or leased for a private social function.

(d) Only within the designated smoking area of the Kitsap County Courthouse, said area hereby declared as the basement cafeteria. This exception to the no smoking policy at the courthouse shall remain in effect for one year from the date of enactment of this ordinance. Thereafter, Section 3 above shall apply to the entire courthouse.

(e) Only within designated smoking areas at the Central Communications (CenCom) facility located 1720 Warren Avenue, Bremerton, Washington.

(f) Only within designated smoking areas at the Kitsap County Alcoholism Recovery Program (KCARP) facility located at 2051 Pottery Avenue, Port Orchard, Washington.

SECTION 5. Duties

(a) This ordinance shall be announced by all department heads, elected officials or other supervisors to all employees of their respective departments immediately following adoption of this ordinance.

(b) Notice of this ordinance shall be posted conspicuously at each entrance and in prominent locations throughout all county workplaces.

(c) Department heads, elected officials or other county personnel having control or supervision of a county workplace shall make every reasonable effort to ensure compliance with this ordinance, including but not limited to posting signs as appropriate under this ordinance, advising those who are smoking in a county workplace to refrain from smoking, and advising the public or county personnel that smoking is not prohibited outside of county workplaces.

SECTION 6. Defacing Signs Prohibited

No person shall alter, deface, remove or destroy any sign posted in compliance with this ordinance.

SECTION 7. Penalties and Enforcement; Fines

(a) Any person violating this ordinance by smoking in a county workplace or altering, defacing, removing or destroying signs posted in compliance with this ordinance shall be liable for a civil fine of $50.00.
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(b) The Kitsap County Sheriff’s Office shall enforce this ordinance by issuing a notice of infraction and citing to this ordinance. Such notice of infraction shall be made upon the same forms as for traffic infractions.

(c) Any violation of this ordinance for which a notice of infraction is issued shall be disposed of in the same manner as provided for traffic infractions under chapter 46.63, RCW, as now or hereafter amended, incorporated by this reference, except as follows:

1. The provisions in chapter 46.63 RCW relating to provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this ordinance; and

2. The provisions in chapter 46.63 RCW relating to impositions of sanctions against a person’s driver’s license or vehicle license are not applicable to this ordinance.

(d) All fines or forfeitures collected upon enforcement of this ordinance shall be paid into the general fund of Kitsap County.

SECTION 8. Private Actions

(a) This ordinance shall not be construed to prohibit private persons or organizations from bringing an action to enjoin violations of this ordinance, nor shall it be construed to limit other actions in any way.

(b) In undertaking enforcement of this ordinance, Kitsap County is assuming and undertaking only to promote the general welfare. Kitsap County is not assuming, nor is it imposing on county personnel, an obligation for breach of which the county or its personnel are liable in money damages.

SECTION 9. Liberal Construction

This ordinance is remedial in nature and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

SECTION 10. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional the remainder of the ordinance or its application to other persons or circumstances shall not be affected.
SECTION 11. Effective Date

This ordinance shall take effect thirty (30) days after enactment by the Kitsap County Board of Commissioners.

DATED this 25th day of July, 1988.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/William Mahan
Chairman

/s/John Horsley
Commissioner

/s/Billie Eder
Commissioner

ATTEST:

/s/Holly Clark
HOLLY CLARK
Clerk of the Board