

SECTION I. GENERAL PROVISIONS

(a) Title. These rules shall be known as the Randolph County Smoking Control Rules (RCSCR).

(b) Authorization. The Randolph County Board of Health is authorized under the provisions of Chapter 130A-39 of the General Statutes of North Carolina to adopt appropriate rules for the protection of the public health.

(c) Purpose. Consistent with the responsibility to protect the public health, the Randolph County Board of Health finds that significant published scientific and medical evidence exists documenting the public health hazard to environmental tobacco smoke including the 1992 report of the US Environmental Protection Agency on "Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders" which classified environmental tobacco smoke as a Class A carcinogen and as one of the few agents known to cause cancer in humans. It is therefore the policy of the Board of Health to set forth rules to protect the public from environmental tobacco smoke.

(d) Scope. These rules are effective in all incorporated and unincorporated areas of Randolph County.

(e) Conflict with other Laws and Regulations. The provisions of any federal, state or municipal law or regulation establishing standards affording greater protection to the public welfare, safety, or health shall prevail within the jurisdiction of such agency or municipality over standards established by these rules.

SECTION II. DEFINITIONS

(a) Publicly-Owned Building - means a building owned, leased, or occupied by a local, state or federal governmental entity. This definition includes county buildings, city buildings, state buildings, federal buildings, school buildings, and polling places.

(b) Eating Establishments - mean establishments open to the public which engage in the business of regularly and customarily selling food, primarily to be eaten on the premises. Eating establishments shall include businesses that are referred to as restaurants, cafeterias or cafes. Eating establishments shall also include lunch stands, drink stands, grills, snack bars, fast food businesses and other establishments such as drugstores which have a lunch counter or other section where food is sold to be eaten on the premises.

(c) "Smoke" or "Smoking" - means the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

SECTION III. SMOKING PROHIBITED IN PUBLICLY-OWNED BUILDINGS

(a) Smoking is prohibited in the interior of publicly-owned buildings.

(b) The person in charge of a publicly owned building shall conspicuously post a sign at all entrances to the building which shall state that smoking is not permitted in the building citing this rule as authority.

SECTION IV. RULES CONCERNING SMOKING IN EATING ESTABLISHMENTS

(a) The person in charge of every eating establishment with a seating capacity of fifty (50) seats or more shall designate a non-smoking area consisting of at least fifty percent (50) of the indoor seating capacity of the establishment. Such area shall be designated by a non-smoking sign either at the entrance to the area or on individual tables.

(b) Eating establishments with a seating capacity of less than fifty (50) seats shall post a sign visible to patrons designating the establishment as either smoking or non-smoking.

(c) Eating establishments (in their entirety or in separate banquet or meeting rooms) while being rented for private functions are excluded from these rules.

(d) Signs posted pursuant to this section shall cite this rule as authority.

(e) Notwithstanding any other provision of these rules, any owner, operator, manager or other person who controls any eating establishment described in these rules may declare the entire eating establishment as a non-smoking establishment at any time.

SECTION V. SEVERABILITY

If any section or part of these rules shall be declared invalid, void, or unconstitutional, such declaration shall not invalidate any other provisions or clause of said regulations.

SECTION VI. VIOLATIONS, PENALTIES, AND ENFORCEMENT

(a) It is a violation of these rules to smoke in a publicly-owned building.

(b) It is a violation of these rules to smoke in an area designated as a non-smoking area.

(c) It is a violation of these rules for the person in charge of a publicly-owned building or eating establishment to fail to post signs in accordance with these rules.

(d) The person in charge of a publicly-owned building or eating establishment shall make reasonable efforts to regulate smoking according to these rules.

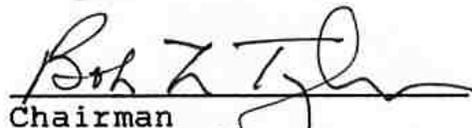
(e) Any person who violates these rules during the first sixty (60) days from the effective date shall be given a warning of violation only.

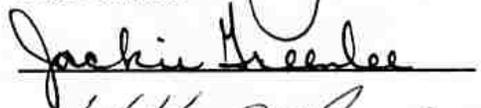
(f) The penalty for a violation of a provision of these rules is a misdemeanor, as provided by North Carolina General Statutes 130A-25. All remedies provided by State law including Part 2 of Article 1 of North Carolina General Statutes 130A shall be available to the Health Director.

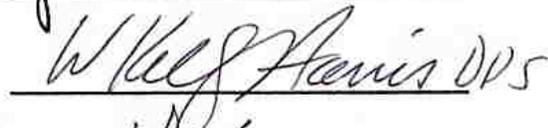
SECTION VII. EFFECTIVE DATE

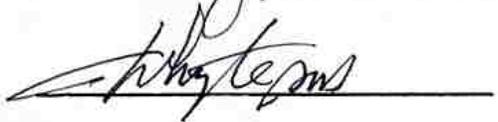
These rules will become effective upon adoption by the Randolph County Board of Health. Adopted on this the eleventh day of October 1993.

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Chairman





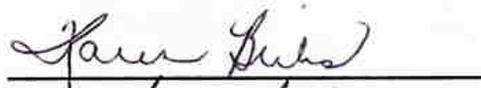















Health Director

SMOKING CONTROL RULES

On January 24, 1994 this ordinance was amended as follows:

SECTION IV (a), which originally stated "... shall designate a non-smoking area consisting of at least seventy-five percent (75) ...," was changed to state "...shall designate a non-smoking area consisting of at least fifty percent (50) ..."

This amendment was effective January 24, 1994.