

COUNTY PROPERTY SMOKING ORDINANCE
of
TUSCOLA COUNTY

Article 1--AUTHORITY

Michigan Counties have been delegated the right to issue ordinances enforcing policy decisions made by county commissioners on topics over which they have jurisdiction. See MCL §46.11(j). Pursuant to MCL §46.11(l) & (m), the county board of commissioners has the right and responsibility for the “care and management” of county property and to “establish rules and regulations” with respect to the interests of the county.

Article 2--PURPOSE

The purpose of this Ordinance is to enable Tuscola County to protect the health and safety of its employees and of the general public by requiring a smoke-free environment while using County Real Property.

This Ordinance applies to all persons using buildings and real property owned or operated by Tuscola County (“County Property”), with the exception of County parklands.

The Director of Building and Grounds shall be responsible for ensuring that notice of this Nonsmoking Ordinance is properly posted in accordance with this Ordinance and the Michigan Clean Indoor Air Act. In leased facilities, department directors and agency heads or their designees shall be responsible for ensuring that the leased areas are properly posted.

Article 3—DEFINITIONS

The following terms in this Ordinance shall have the following meanings:

- 3.1 “County Property” refers to all real property owned or leased by Tuscola County, including sidewalks, streets and parking lots and excepting property that is designated as “parks” or is controlled by the Tuscola County Road Commission or the Department of Human Services.
- 3.2 “Persons” refers County Officials, Department Heads, County Employees, Agencies and Offices of Tuscola County and the general public when using a County Property.
- 3.3 “Sale of Tobacco Products” refers to the exchange of tobacco in any form for consideration, including monetary and/or services.
- 3.4 “Using Tobacco Products” refers to chewing, snuffing, or smoking tobacco

products and includes but is not limited to cigarette, pipe and cigar smoking.

- 3.5 “Posting” refers to a notice that identifies this Ordinance and describes its prohibitions and the civil and any criminal penalties for violation.

Article 4—SMOKING PROHIBITIONS

- 4.1 In compliance with the laws of the State of Michigan, including but not limited to the Michigan Clean Indoor Air Act, Act 368 of 1978, as amended, being Section 333.12601, et seq. of the Michigan Compiled Laws (the “Michigan Clean Indoor Act”), Tuscola County prohibits all persons from Using Tobacco Products on County Property, with the exception of designated areas in the outside the Medical Care Facility, Jail and Central Dispatch Center. This prohibition shall include, but is not limited to: private enclosed offices, open space offices, meeting rooms, conference rooms, eating areas, including cafeterias and break rooms, lounges, restrooms, hallways, stairways and enclosed entrances. This prohibition shall not apply to smoking within private vehicles parked on County Property.
- 4.2 Tuscola County prohibits the Sale of Tobacco products on County Property. This prohibition shall include concessions and vending facilities on County Property, including but not limited to those vending machines operated under the provisions of Act 260 of the Public Acts of 1978, being Section 393.351, et. seq. of the Michigan Compiled Laws.

Article 5--ENFORCEMENT

- 5.1 The Director of Building and Grounds, Tuscola County Sheriff’s Department and/or Tuscola County Prosecuting attorney shall enforce the provisions of this Ordinance.
- 5.2 Upon a finding a probable cause to believe there has been a violation of this Ordinance, the Director of Building and Grounds, Sheriff’s Deputy, or Prosecuting Attorney may issue and serve an appearance Ticket upon the person or entity responsible.
- 5.3 The Appearance Ticket shall direct the recipient to appear in Tuscola County District Court on a specified date to respond to the alleged violation.

Article 6--CIVIL PENALTIES

A person who violates this Ordinance shall be directed to comply with this Ordinance and shall be subject to a civil fine of not more than \$100.00 for a first violation and not more than \$500.00 for a second subsequent violation .

Article 7—POSTING

7.1 A copy of this Ordinance shall be posted and maintained at a prominent location within each County Building in which it is effective. Each County Property shall also contain a least one prominent sign on the grounds that refers to the Ordinance. A notice shall also be posted at the designated smoking areas at the County Jail, Medical Care Facility and Central Dispatch Center that describes the dimensions of the smoking areas and that smoking in all nondesignated areas is prohibited pursuant to this Ordinance.

7.2 The County Administrator shall ensure that proper postings are made, except with respect to the Jail, where the Sheriff shall have the responsibility for posting and enforcing this Ordinance.

Article 8--EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect following notification of same in a newspaper of general circulation in the County of Tuscola, providing no petition has been filed pursuant to 1988 PA 227, MCL §46.11.

By _____
Jerry Peterson, Chairperson
Tuscola County Board of Commissioners

CERTIFICATION

I, Margie White-Cormier, the Tuscola County Clerk, hereby certify that the Tuscola County Board of Commissioners duly approved this Ordinance and directed that it be executed by the Chairperson of the Board of Commissioners, whose signature has been applied above.

Margie White-Cormier

Dated: _____