

A Report to The Columbia County Board of Health



An Evaluation of the Smoking Policy at County Buildings: Observations and Recommendations

Compiled and submitted by Rip Van Winkle Tobacco-Free Action 1/10/2012

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Introduction

In 2006, in response to urging by the Board of Health, the Columbia County Board of Supervisors passed a resolution establishing a smoke-free entryway policy for the new Human Services building. The resolution was later amended to apply to all county buildings beginning in 2007.

After the resolution was passed, Rip Van Winkle Tobacco-Free Action offered technical assistance and no cost signage to department heads charged with implementing the policy at county buildings. In some cases, butt receptacles were also provided. Hanging the signs and securing the receptacles was done by county DPW.

In 2009 staff from RVW conducted an observation of county sites and talked with department heads to determine satisfaction or concerns they might have with the policy or with compliance. This report, which was made available to the Director of the Health Department, found that the policy had mixed success, with many buildings in overall good compliance and others with persistent violations.

In 2007, Columbia County was among the first to set restrictions on smoking near entryways of county buildings. Since then, however, many counties, including many rural counties, have adopted smoking policies that are both more comprehensive and more clearly defined.

This report was compiled by the staff of Rip Van Winkle Tobacco-Free Action based on observations, and in some cases interviews, conducted during October and November 2011. We hope that it will provide members of the Board of Health and the Director of the Health Department with useful information about how the current policy is functioning, and that it will stimulate interest in developing a stronger and more effective policy to send to the Board of Supervisors.

In the upcoming year the BOS is likely to make decisions about where DSS will be permanently located, and whether the county will establish a "county campus" at the old Wal-Mart. Developing an updated policy now will insure that the BOH is able to take full advantage of the changes that both of these decisions may present to further protect the health of all county residents.

Respectfully submitted by:

**Karen dePeyster, Program Director
Lisa Heintz, Communications Coordinator**

**Rip Van Winkle Tobacco-Free Action
January 10, 2012**

A Program of the Healthcare Consortium



Resolution
Board of Supervisors
County of Columbia
New York

RESOLUTION NO. 316-2006

DATE: November 8, 2006

BY SUPERVISOR *M. Kathleen Mahoney*

HEALTH COMMITTEE
CHAIRMAN: GAIL GRANDINETTI

ADOPTING SMOKE-FREE ENTRANCEWAY(S) AT THE HEALTH
AND HUMAN SERVICES BUILDING, 325 COLUMBIA STREET,
HUDSON, NY

UPON, recommendation of the Health Committee at a meeting held on October 16th, 2006;

WHEREAS, second hand smoke is a known human carcinogen and is associated with an increased risk for lung cancer and coronary artery disease in non-smoking adults; and

WHEREAS, the joint mission of the Columbia County Health Department, the Department of Human Services, Office for the Aging and Health Care Consortium, is to protect, preserve and promote the health of our community through education, prevention, and treatment of disease; and

WHEREAS, the expanded Clean Indoor Air Act prohibits smoking in public workplaces; and

WHEREAS, smoking in outdoor areas promotes littering, obstructs doorways and passage ways and further endangers the lives of those smoking and non-smoking persons,

NOW, THEREFORE BE IT

RESOLVED, that this Board of Supervisors does hereby declare the entranceways to the Health and Human Services Building at 325 Columbia Street to be smoke free; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Columbia County Health Department, Human Services Mental Health Department, Office for the Aging, Health Care Consortium, Accounts Payable, Columbia County Attorney and Columbia County Treasurer.

Approved:

[Signature]
County Attorney

Resolution
Committee

James W. Keegan
Dan [Signature]

STATE OF NEW YORK)
COUNTY OF COLUMBIA) ss:

This is to certify that I, undersigned Clerk of the Board of Supervisors of the County of Columbia, have compared the foregoing copy of Resolution with the original minutes therefore, now remaining on file of record in my office, and that the same is a true and correct transcript there from and of the whole of such original.

(L.S.)

IN TESTIMONY THEREOF, I have hereunto set
my hand and affixed the seal of said Board of
Supervisors this 9th day of November,
2006.

Gail D. Di Leo
Clerk of the Columbia County Board of Supervisors



Resolution
Board of Supervisors
County of Columbia
New York

RESOLUTION NO. 20-2007

DATE: February 21, 2007

BY SUPERVISOR

Gail Grandinetti

HEALTH/MENTAL HEALTH COMMITTEE
CHAIRMAN: GAIL GRANDINETTI

ADOPTING SMOKE-FREE ENTRANCEWAY(S) AT THE HEALTH AND HUMAN
SERVICES BUILDING, 325 COLUMBIA STREET, HUDSON, NY

UPON, recommendation of the Health Committee at a meeting held on January 16th, 2007:

WHEREAS, second hand smoke is a known human carcinogen and is associated with an increased risk for lung cancer and coronary artery disease in non-smoking adults; and

WHEREAS, the joint mission of the Columbia County Health Department, the Department of Human Services, Office for the Aging and Health Care Consortium, is to protect, preserve and promote the health of our community through education, prevention, and treatment of disease; and

WHEREAS, the expanded Clean Indoor Air Act prohibits smoking in public workplaces; and

WHEREAS, smoking in outdoor areas promotes littering, obstructs doorways and passage ways and further endangers the lives of those smoking and non-smoking persons.

NOW, THEREFORE BE IT

RESOLVED, that this Board of Supervisors does hereby declare the entranceways to the County Office Buildings to be smoke free and that this policy be fully implemented at all buildings by no later than December 31, 2007; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Columbia County Health Department, Human Services Mental Health Department, Office for the Aging, Health Care Consortium, Accounts Payable, Columbia County Attorney and Columbia County Treasurer.

Approved:

[Signature]
County Attorney

Resolution
Committee

Laurence Andrews
Elizabeth L. Grogan

STATE OF NEW YORK)
COUNTY OF COLUMBIA) ss:

This is to certify that I, undersigned Clerk of the Board of Supervisors of the County of Columbia, have compared the foregoing copy of Resolution with the original minutes therefore, now remaining on file of record in my office, and that the same is a true and correct transcript there from and of the whole of such original

IN TESTIMONY THEREOF, I have hereunto set
my hand and affixed the seal of said Board of
Supervisors this 22nd day of February,
2007

(L.S.)

Teal L. DeLine
Clerk of the Columbia County Board of Supervisors

Human Services

Address: 325 Columbia Street
Observation Date: 10/17/11
Completed by: Karen and Lisa

Departments: Mental Health
DOH, Office for Aging
District Attorney

Background

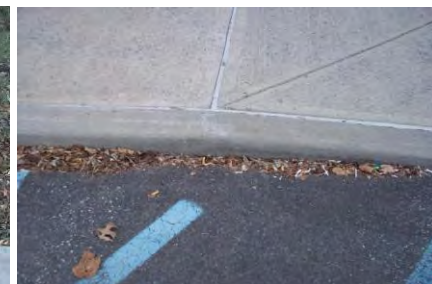
Human Services was the first county building to implement the entryway policy in 2007. There is no smoking within an established perimeter in front of the building, marked by "No Smoking Beyond This Point" signs. There is a designated smoking area on the south, or alley, side of the building. Four signs and 3 butt receptacles were provided by RVW. There are no signs and one butt receptacle at the rear entrance, which is used only by Environmental Unit staff.

Summary of Findings

- All "No Smoking" signs provided are posted appropriately.
- Two of the 3 original butt receptacles are intact and remain in original locations. One at the front of the building was damaged and a replacement in a different style was provided by the county.
- There is a moderate amount of cigarette litter in the parking lot and along the building beside the designated smoking area. A scattering of cigarette butts were also observed on the grass and walkways and in the plantings.
- No smokers were observed in non-smoking areas. There was one person smoking in the designated area.
- It appears that the butt receptacles are not emptied often enough and are sometimes filled to capacity, especially the one in the designated area. This may be a reason so much cigarette litter is on the ground in that location.
- It has also been reported that the receptacles are sometimes emptied after hours by people looking for butts that can still be smoked.
- There is no sign by the back door of the building and the smoking receptacle is within 20 feet of the building. There have been reports of Public Health staff smoking right by the back door. There is quite a lot of cigarette litter in this area.

Comments from building receptionist

The policy works reasonably well. There are a small number of smokers among the people who work in the building and they generally use the designated area or go across the alley. Most visitors observe the smoking ban near the building, but some do not, especially when the weather is bad. When this happens it is not addressed unless someone from the building decides to say something. The sheriff's deputy does not take an active role in addressing the violator.



Court House

Address: Allen Street

Observation Date: 10/17/11

Completed by: Karen & Lisa

Background

Original decisions on the placement and content of signage around the Court House were made in consultation with Dorothy Prest, who was the Court Clerk in 2007. At the time, the Court House had one small paper No Smoking sign taped to a panel of the main glass doors and one butt receptacle placed directly to the right of the front steps of the building. The fact that office windows in the Court House can be opened was taken into consideration in selecting the new location of butt receptacles. **It was decided that there would be one "No Smoking in Front of Court House" sign and that butt receptacles would be placed just off the sidewalk on both East Court & West Court Streets, with double-sided "No Smoking Beyond This Point" signs.** RVW provided signs and receptacles.

Findings

- All signs and receptacles were installed as planned and remain in place.
- There was almost no cigarette litter anywhere in front of the Court House – only a few butts were counted, most of these were on the left side of the steps near the mailbox. This area **is out of view of the Sheriff's deputy**.
- There was no one smoking in front of the Court House.
- **The Sheriff's Deputy enforces the restrictions by directing violators away from the front of the Court House to the sidewalk areas.**
- Court maintenance crews perform regular clean up of grounds and empties butt receptacles.

Comments from Dianne Morelock, Deputy Chief Clerk

According to Dianne Morelock and others in the **Court Clerk's office** there are serious complaints resulting from the current placement of the butt receptacles on the sidewalk perimeter on either side of the Court House.

In the summer when the windows are open the smoke comes in from those smoking around the receptacle on the West Court side **where the Clerk's offices are located**. In the past, this was not a problem on the East Side of the building because those offices were not occupied, but now there will be a new judge in that area so it is likely that the same complaint will be raised there as well. Also, current location of the butt receptacles means that visitors often must walk past small or large groups of smokers. This is especially a problem on heavy use Family Court days.

Dianne and her staff suggested that both receptacles be moved back to the middle sidewalk dissecting the park in front of the court house. This would take smokers well away from the building. We agreed that Dianne would submit the request for the receptacles to be moved in the spring and RVW will provide new signs. Dianne will call in the spring about what signage they will need.



Motor Vehicles

Address: 560 Warren Street
Observation Date: 10/17/11
Completed by: Karen & Lisa

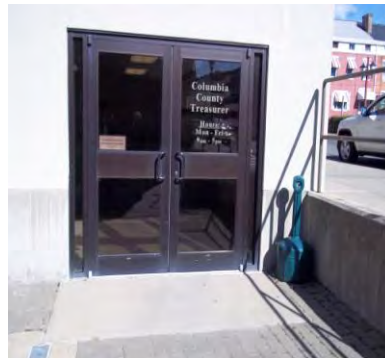
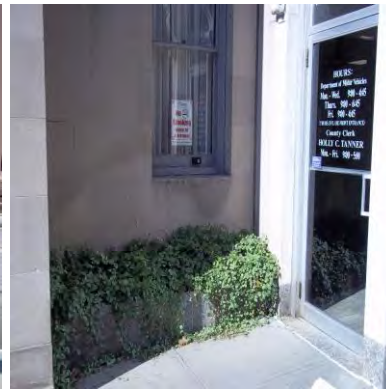
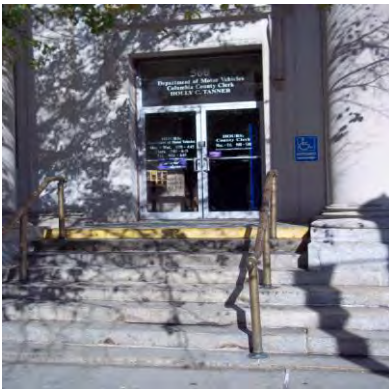
Departments: Motor Vehicles
County Clerk
Treasurer's Office

Background

No one in the Clerk's office responded to calls and emails so no consultation on how to implement the policy was completed back in 2007. RVW provided signs for the front and side entrances of the building based on what appeared to be appropriate. No sign was provided for the annex where the County Treasurer is located.

Findings

- The only sign visible is in the window by the side door with the wording "No Smoking Within 20' of Entry". There is no sign by the main entrance.
- There are no butt receptacles at either the main or side entrance of Motor Vehicles..
- There is a small amount of cigarette litter on the sidewalk in front and to the side of the building.
- One adult was seen smoking on the sidewalk in front of the building.
- There is no sign by the entry of the Treasurer's annex. There is a butt receptacle right by the front door.
- Very little cigarette litter was observed in the plantings and around the ATM entrance of the Treasurer's annex. There was a moderate amount in the gutter on the sidewalk side.



Department of Social Services

Address: Railroad Avenue

Observation Date: 10/17/11

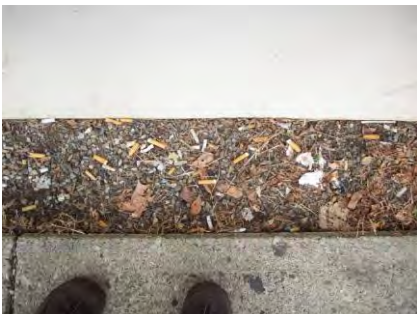
Completed by: Karen & Lisa

Background

DSS Commissioner Mossman was very proactive once the policy directive was given in 2007. He took steps to add a smoking policy to the department personnel manual and set up a meeting with RVW staff to talk about logistics and signage. It was decided that an existing open-sided structure in the back of the building would serve as a designated smoking area for staff. Efforts to specify a designated smoking area for clients was complicated by the fact that windows in the building do open so drifting smoke was a consideration. In all 10 No Smoking signs were provided.

Findings

- There are 8 No Smoking signs visible
- There are no butt receptacles on the grounds
- Substantial amounts of cigarette litter are evident around the main entrance, on or near the sidewalks in front of the building, the area across from the main entrance and the **corner of the building posted with a "No Smoking Beyond This Point" sign.**
- Several employees were **smoking in the "hut" out back.**
- No one was observed smoking in front of the building, but frequent visitors to DSS report that there are often individuals or small groups of people smoking right outside the entrance. The security guard is not charged with addressing these violations.



Public Safety

Address: 85 Industrial Track Road
Observation Date: 10/17/11
Completed by: Lisa & Karen

Departments: Sheriff
911 Emergency Coordinator
EMS Coordinator
Fire Coordinator

Background

One "No Smoking Within 20' of Building" sign was provided for the Sherriff's Department, but no consultation or conversation with department staff was completed beforehand.

Findings

- There is one 8 ½ x 11 No Smoking sign on the front door.
- There is one butt receptacle right next to the front door.
- A small amount of cigarette litter was observed in the parking lot
- There were a few butts on the approaching sidewalk
- No one was smoking at the time of the observation



610 State Street

Address: 610 State Street
Observation Date: 10/17/11
Completed by: Karen & Lisa

Departments: Probation
Public Defender

Background

Originally consultation for this location was conducted with Mike Benevuto from Probation in 2007. At the time he stated that there was only one smoker in the building, but he also seemed disturbed that DSS has a "smoking hut" and that any designated area at 610 would not have such a shelter. I told him that Todd was having a smoking shelter for staff constructed at Pine Haven and that he should talk with County DPW about what could be done at this location. It was decided that the designated smoking area would be to the rear of the parking lot on the west side of the building. In all 7 signs and a butt receptacle were provided. It should be noted that more than a year after the signs were provided, none had been put in place.

Findings

- There are 4 No Smoking signs visible. Two signs reading "No Smoking in Front of Building" are attached to the front doors. There is one No Smoking sign under the awning on the east entry side of the building. There is one No Smoking sign at the top of the staircase on the west side of the building.
- There is one butt receptacle in front of the building on the lawn.
- There is a small amount of cigarette litter near the front and east side entrances.
- At the time of the last observation in 2009, there were 2 large coffee cans filled with cigarette butts right next to the door under the awning over the east side entrance and the area under the steps was filled with cigarette litter. The cans are now gone and there is no cigarette litter under the steps. There is a butt receptacle at the bottom of the steps within 20 feet of the door.
- On the west side of the building there is a coffee can filled with cigarette butts on the stairs to the side exit, right near the No Smoking sign.
- On the west side, near these same stairs, there is a picnic table with a large amount of cigarette litter scattered around it. The picnic table is also within 20 feet of the building and the side door at the top of the stairs.
- There is no evidence of a designated smoking area



401 State Street

Address: 401 State Street
Observation Date: 11/2/09

Departments: Board of Supervisors
Board of Elections
Youth Bureau
County Attorney

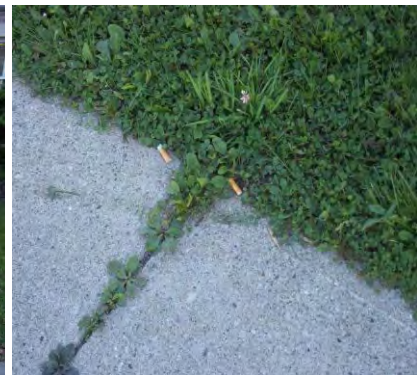
Completed by: Karen & Lisa

Background

Initial consultation was conducted with Gail DeCosmo, clerk of the Board. One sign "No Smoking Within 20' of Entryway" provided for front door and one butt receptacle. Side and rear entrances not in use.

Findings

- No Smoking sign is in place on the front door.
- Butt receptacle is to the side of front sidewalk, just about 20 feet from entry. The butt receptacle has a broken top. RVW provided a replacement receptacle, which was picked up and installed by Bob Pinto.
- There are only 1 or 2 cigarette butts in evidence, none near entryway.
- There is a butt receptacle by the back entrance but no sign of cigarette litter.
- There is a picnic table on the east side of the building but no sign of cigarette litter.
- **According to a staff person in the Clerk's Office, some people do smoke on the fire escapes or in the doorways to the fire escapes and the smoke comes back into the building.** At the time of the observation there was no smell of smoke, and there was no evidence of cigarette litter on the ground under the fire escapes.
- County maintenance does do regular clean up.



Highway/DPW

Address: Route 23

Observation Date: 10/25/11

Completed by: Karen & Lisa

Findings

- There is one No smoking sign at the front door.
- There is one butt receptacle near the front door within 20 feet.
- No cigarette litter observed in the front area.
- No smokers observed

Interview with Bernie Kelleher

There are no problems. One woman in the office smokes and one mechanic, but they stay away from the front area. This information remains unchanged from the last observation in 2009.



Pine Haven

Address: Philmont

Observation Date: 10/25/11

Completed by: Lisa & Karen

Background

An initial consultation was conducted in 2007 with Todd Z. at Pine Haven and decisions were made on signage for the front and rear areas. 5 No Smoking signs were provided. A smoking area was designated in the front for visitors and a "smoking hut" had been constructed in the rear for staff.

Findings

- There are 4 No Smoking signs, 2 "No Smoking Beyond This Point" signs in front on the edge of the parking lot and 2 in the rear of the building.
- There were a few cigarette butts on the walkway in front of the building in the no smoking area
- There are no butt receptacles in the front; there is no sign for a designated smoking area
- In the back, there is a can for cigarette butts just outside the smoking hut. There are some butts and cigarette debris on the ground around the area
- In the back there is a No Smoking sign by the rear door.
- Cigarette butts are on the ground under and around a picnic table near the rear door. The picnic table is near the No Smoking sign and appears to be within 20 feet of the back door.
- These observations are basically unchanged from those made in 2009.



Observations & Recommendations

Observations

- The resolution passed in 2006 does not define or specify a standard for the smoke-free entryway policy. It does not, for example, require a minimum number of feet from any doorway and it does not mention windows at all (in older buildings most of the windows open and secondhand smoke can drift into office space.) There is no provision for enforcing the policy, responsibility for observing the policy, or consequences for violating the policy in the County Policy & Procedure Manual.
- There does not appear to be any monitoring of compliance with the policy. Some buildings do not even have No Smoking signs at all entrances and there is evidence that at one building the policy is almost completely ignored.
- There is no uniform procedure on whether law enforcement or security personnel address smoking in restricted areas. At the Court House they do, in other locations, they do not.
- There is no consistency in whether shelter is provided for smokers. Two buildings have shelters for employees only, the rest have no smoking shelters.
- Most buildings provide cigarette butt receptacles either in a designated smoking area or at a point beyond which no smoking is allowed. Responsibility for emptying receptacles is with the county.
- The style of butt receptacle used at 325 Columbia Street (also the Court House and 410 State Street) was chosen because it has a relatively attractive appearance and because it can be bolted to a concrete pad for security. However, at least at 325 Columbia, the receptacles are sometimes emptied in off hours by persons looking for smokeable butts. This creates a mess and fire hazard. One of the receptacles at 325 Columbia was damaged by fire in May, 2010. It is not clear that having a different style receptacle would alleviate these problems.

Recommendations

- Perhaps it is time to review the original resolution and to create a more uniform policy statement that applies to all departments, is included in the Personnel or Policy & Procedure Manual, assigns responsibility for enforcement, and is monitored for compliance. In 2006 Columbia County was among the first in the state to adopt a smoke-free entryway policy. Since then more counties have been instituting stronger policies, such as smoke-free grounds or no smoking beyond the parking lot. An example of a more comprehensive and well-defined policy from Essex County is attached.
- If DSS remains at Railroad Avenue, consider a designated smoking area for clients at DSS with a cigarette butt receptacle well away from the building. In spite of the No Smoking signs around the main entrance, there is a large amount of cigarette litter all along the front of the building. Adding a receptacle at least has the effect of encouraging smokers to go away from the building.
- If a county government campus is eventually established at either the old Wal-Mart or at Ockawamick, the ideal would be to institute a tobacco-free grounds policy. At the very least, there should be a single, well-removed designated area, and no smoking shelter.
- Re-evaluate use of smoking shelters for employees at existing locations.

ESSEX COUNTY TOBACCO POLICY

POLICY BACKGROUND

Essex County is implementing this Essex County Tobacco Policy for all employees and visitors in order to provide a healthy, productive, safe and clean environment for all. Essex County has the opportunity to create and sustain an environment that supports a tobacco-free social norm through a tobacco-free policy, compliance and adult peer role modeling in or on county property. There is no safe level of second hand smoke as second hand smoke contains over 50 cancer-causing chemicals¹. Tobacco products consumed in public places are often discarded on the ground thus posing risk of ingestion, diminishing the beauty of the facility and requiring additional maintenance.

"Tobacco Products" means all manufactured products containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges. However, "Tobacco Products" does not include products that are approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as tobacco use cessation products or other medicinal purposes and are being marketed and sold solely for that approved use.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form.

POLICY

A. Prohibition of Tobacco Use

Effective August 5, 2013, the use of Tobacco Products is prohibited at all times:

- in all interior space owned, rented, or leased by Essex County;
- in all vehicles owned, rented, leased or operated by Essex County;
- on all outside property or grounds owned or wholly leased by Essex County, including parking areas – this applies to private vehicles while they are on Essex County property–
except in designated areas at each of the following locations:
 - Fairgrounds, Route 9N, Westport
 - West side of the parking lot near campers
 - Main Campus, Court Street, Elizabethtown
 - Near the maintenance garage behind the parking lot of Court Street buildings
 - Mental Health; Court Street, Elizabethtown
 - The back corner of the lot on the grass
 - Public Health, OFA, WIC, Water Street, Elizabethtown
 - There is no designated area at this location; This location is a tobacco-free zone.
 - Public Safety Building; Stowersville Road, Lewis
 - East side of the building across from the road/drive
 - Public Works & Transportation, Route 9, Lewis
 - North side of the salt shed
- ***Designated tobacco use areas will be marked with a sign & tobacco waste receptacle.***

¹ Centers for Disease Control and Prevention. *Saves Lives, Saves Money: Make Your Business Smoke-Free*. Atlanta, Georgia: U.S. Department of Health and Human Services, centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office of Smoking and Health, June 2006.

B. Procedure

This policy shall be distributed to all current and future employees and available for review upon request.

Campuses will be marked with signs noting 'Tobacco Use Prohibited Except in Designated Area'. Signs will be posted on every campus and at vehicular and pedestrian entrances (as applicable). Each building will display a decal stating 'Tobacco Free Facility'.

Smoking shelters shall not be provided or permitted on campus grounds or in designated areas. Designated areas shall be provided with tobacco receptacles.

Tobacco users are expected to leave no physical trace of tobacco use (cigarette butts, matches, etc) on Essex County properties.

Essex County Building and Grounds [or Buildings & Grounds staff of the location] shall regularly, and as needed, maintain designated tobacco use areas.

Employees who choose to use tobacco products must do so on their regularly scheduled breaks or meal periods and must do so off of Essex County property or only in designated areas.

Visitors who choose to use tobacco products must do so off Essex County property or only in designated areas.

C. Compliance

The Essex County Tobacco Policy refers to facilities owned, wholly leased or rented by Essex County, whether or not signs are posted and applies to everyone (employees, contractors, visitors, clients, etc.). Compliance with this policy is mandatory.

Employees may respectfully inform employees and visitors of the Essex County Tobacco Policy and ask them to comply. Employee policy violations shall be subject to standard disciplinary actions of Essex County.

Department Supervisors/Managers are responsible for ensuring employees under their direction are aware of the policy and comply with it and taking appropriate action to correct noncompliance.

D. Tobacco Use Cessation

Essex County is committed to providing support to all who want to stop using tobacco products. Resources for all wanting to stop using tobacco are available through the Essex County Public Health Department. Resources for Essex County employees are also available through the Essex Personnel Department. Supervisors are encouraged to refer employees to cessation services for which they are eligible.

E. Policy Revision

The Essex County Tobacco Policy shall be reviewed and revisions considered on an annual basis for a minimal of 5 years. Revisions shall be considered with the ideal of progressing toward prohibiting the use of tobacco products in interior and on exterior Essex County spaces as a means of providing the most healthy, productive, safe and clean environments for all as possible.

Revised: June 2013

Local Law Number 4 of 2012

A LOCAL LAW REGULATING THE USE OF TOBACCO PRODUCTS UPON REAL PROPERTY OWNED OR LEASED BY CLINTON COUNTY

BE IT ENACTED, by the Clinton County Legislature as follows:

SECTION 1: FINDINGS

1. The Clinton County Legislature finds that the health of employees and the public is seriously threatened by exposure to environmental tobacco smoke, also known as, secondhand smoke, and other types of tobacco products. This finding is supported by the United States Environmental Protection Agency and reliable studies of the impacts and effects of environmental tobacco smoke, as well as the U.S. Surgeon General's Report on the Health Consequences of Smoking and the Health Consequences of Smokeless Tobacco Use.
2. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke; and the 2006 U.S. Surgeon General's Report on Involuntary Exposure to Secondhand Smoke concludes that even brief exposures to secondhand smoke may increase the severity of asthma attacks and lower respiratory tract infections, especially in children, and have adverse effects on the heart; and secondhand smoke is responsible for approximately 47,400 deaths among nonsmokers each year in the United States.
3. The Clinton County Legislature recognizes the value and benefits resulting from eliminating the exposure of County employees and the general public to unwelcome secondhand smoke from tobacco products on County properties.
4. The Clinton County Legislature finds that the need to breathe air free of the disease causing toxins present in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the County of Clinton.
5. The Clinton County Legislature recognizes the value in providing a safe, healthful and productive work environment for all employees and visitors to county properties, and to comply with existing state and federal laws and regulations governing tobacco product use.

SECTION 2: DEFINITIONS

1. County Facility – includes the following: 1) buildings owned and operated by the County of Clinton; 2) buildings leased by the County and utilized for County purposes; and 3) vehicles owned by the County of Clinton. It does not include privately owned vehicles parked on County-owned or operated property.

2. County Property – any real property owned, leased or operated by the County of Clinton, excluding: 1) the Clinton County Fairgrounds; 2) the Clinton Community College; 3) the Clinton County Landfill; and 4) roadways and right-of-ways located within the County road system.
3. Tobacco Product - means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges. However, “Tobacco Product” does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved use.
4. Smoking – means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form.

SECTION 3: TOBACCO PRODUCT USE PROHIBITIONS

1. The use of Tobacco Products is prohibited in all of the following places within Clinton County:
 - A) County Facilities;
 - B) County Property;
2. Notwithstanding the foregoing prohibition, the Plattsburgh International Airport Manager, upon approval by the Plattsburgh International Airport Legislative Committee, may designate a tobacco use area outside the airport terminal building which must be at least 100 feet distant from any public entrance to the facility.
3. Nothing in this Section prohibits any person with legal control over any property from prohibiting Tobacco Product use on any part of such property, even if the use of tobacco products is not otherwise prohibited in that area.

SECTION 4: POSTING OF SIGNS

1. The Clinton County Board of Health or its designee shall issue requirements about the content and placement of signs advising the public of the restriction of Tobacco Product usage and/or smoking in the designated areas.

SECTION 5: PENALTIES AND ENFORCEMENT

1. The remedies provided by this Local Law are cumulative and in addition to any other remedies available at law or in equity.

2. Each instance of Smoking or Tobacco Product use in violation of this Law shall constitute a separate violation.
3. Each violation of this Local Law constitutes an infraction subject to a civil penalty not exceeding Five Hundred Dollars (\$500).
4. Any peace officer or code enforcement official may enforce this Law. For the purpose of this Local Law, the term “enforcement officer” shall mean a peace officer or code enforcement official.
5. In addition to other remedies provided by this Local Law, any violation of this Local Law may be remedied by a civil action brought by the County Attorney, including but not limited to: administrative or judicial nuisance abatement proceedings, code enforcement proceedings, and suits for injunctive relief.
6. The enforcement officer, or his/her designee, may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him/her, which shall specify the provisions of this Local Law which the person is said to be in violation, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice. The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.
7. If the Board of Health determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the Board of Health or its designee pursuant to Section 3 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer or the Board of Health from commencing a proceeding for injunctive relief to compel compliance with this Law.
8. Any person who desires to register a complaint under this Local Law may do so with any appropriate County official.
9. The decision of the Board of Health may be reviewable pursuant to a special proceeding brought under Article 78 of the New York State Civil Practice Law and Rules.
10. The enforcement officer, subsequent to any final determination, may bring an action to recover the civil penalty provided in Section 3 of this Local Law.
11. In addition to above penalties, County employees in violation of this policy may be subject to appropriate disciplinary procedures to be administered by the supervisor of the affected department.

12. Nothing in this local law shall create a right of action in any person against the County or its agents to compel enforcement of this Local Law against private parties.

SECTION 6: OTHER APPLICABLE LAWS

This Local Law shall not be interpreted or construed to permit tobacco use or smoking where it is otherwise restricted by other applicable laws.

SECTION 7: SEVERABILITY

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

SECTION 8: EFFECTIVE DATE

This Local Law shall take effect upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and become operative on July 1, 2013.

Rip Van Winkle Tobacco-Free Action



of Columbia and Greene Counties

www.rvwtobaccofree.org

518 - 822 - 0999

A Program of the Healthcare Consortium