

CHAPTER 38: SMOKING POLICY

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§ 38.01 SMOKING POLICY ADOPTION.

(A) The Town Council hereby adopts the attached smoking policy in designated town-owned or leased facilities and town-owned vehicles to be effective October 15, 1993.

(B) The Town Manager be authorized to amend the smoking policy as the need arises.

(Ord. passed 10-25-1993)

§ 38.02 AUTHORITY AND ADMINISTRATION.

This policy is adopted by the Town Council and will be implemented by the Town Manager or his or her designee(s).

(Ord. passed 10-25-1993)

§ 38.03 GENERAL POLICY AND PURPOSE.

(A) Smoking is prohibited in designated buildings and space owned, leased or operated by the town, except in specially designated smoking areas within the enclosed facilities. This policy does not apply to smoking outside of any designated building.

(B) The purpose of this policy is to limit the effects of smoking on town employees, town computer equipment and town facilities along with citizens and the general public.

(C) The Town of Liberty's smoking policy applies to town employees, as well as elected and appointed officials, clients, contractors, visitors, building occupants, tenants and the general public.

(Ord. passed 10-25-1993)

§ 38.04 TOWN FACILITIES; APPLICATION OF POLICY.

(A) Smoking is prohibited in the following town facilities (including public and employee restrooms), except in employee break rooms:

- (1) Town Hall: 239 S. Fayetteville Street;
- (2) Fire station: 213 W. Swannanoa Avenue;
- (3) Police Department: 451 W. Swannanoa Avenue;
- (4) Parks and Recreation Department: 128 S. Fayetteville Street;
- (5) Public Works Department: 218 W. Raleigh Avenue;
- (6) Wastewater plant: 7187 Highfill Street;
- (7) ABC store: 423 W. Swannanoa Avenue; and
- (8) Reitzel center: 128 S. Fayetteville Street.

(B) Smoking is banned from the following town facilities and no special smoking areas are designated:

- (1) Liberty Public Library; and
- (2) Patterson Cottage.

(Ord. passed 10-25-1993)

§ 38.05 VEHICLES.

(A) Smoking in a town vehicle is permitted unless another occupant in the vehicle objects. If any occupant objects,

smoking is not permitted.

(B) The same standard applies to vehicles shared on different shifts or in pool arrangements with the requirement that any smoking operator is responsible for keeping the vehicle clean of smoking related debris including the ashtrays prior to turning the vehicle over to the next user.

(Ord. passed 10-25-1993)

§ 38.06 RESPONSIBILITIES.

The Town Manager and Town Clerk share in the responsibility for assuring that employees are aware of this policy and will make smoking cessation classes available to all employees and will coordinate placement of appropriate and required signage throughout town facilities.

(Ord. passed 10-25-1993)

§ 38.07 ENFORCEMENT.

(A) Each department is responsible for enforcing the smoking regulations for its own employees.

(B) Since this is town policy, repeated violations will be handled under existing disciplinary procedures as insubordination.

(C) The same would apply to managers who fail to carry out their responsibilities in this area.

(1) Nothing in this policy alters existing rules regarding morning and afternoon break periods.

(2) Nothing in this policy requires, permits nor condones adverse action against an employee or applicant for employment because he or she smokes, provided he or she abides by the provisions of the policy while at work.

(3) Since this policy applies as well to citizens visiting town facilities, enforcement should be handled as follows:

(a) Ask the offending citizen to go to a designated area or outside; and

(b) If the citizen fails to do so, normal trespassing enforcement should be instituted and/or refuse any town service for those who will not voluntarily comply.

(Ord. passed 10-25-1993)