

GRANT COUNTY SMOKE FREE

009

ORDINANCE

Sec. 1 Title

This Ordinance shall be known as the Grant County Smoke Free Ordinance.

Sec. 2 Findings and Purpose

The Grant County Commission hereby finds:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

Reliable studies have shown that breathing secondhand smoke is a cause of disease, including lung cancer, in healthy nonsmokers. At special risk are elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Smoking is a potential cause of fires, cigarette and cigar burns, and ash stains on furniture and fixtures.

Accordingly, the Commissioners find and declare that the purposes of this Ordinance are (1) to protect the public health and welfare by prohibiting smoking in places of employment; and (2) insure the right of nonsmokers to breathe smokefree air, and to recognize that the right to breathe smokefree air shall take priority.

Sec. 3 Definitions

The following words and phrases, when used in this Ordinance, shall be construed as defined in this section:

1. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity.
2. "Employer" means any covered agency or organization within buildings owned or operated by the County of Grant who employs the services of one or more individual persons.
3. "Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways).

Filed for record on 3rd day of May A.D. 1991 A.M. 9:06  
Mary Ann C. Cavallo  
 County Clerk

4. "Place of Employment" means any enclosed area under the control of the County of Grant which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms, meeting rooms, and hallways.
5. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other combustible substance in any manner or in any form.

#### Sec. 4 Smoking Prohibited

It is unlawful for any person to smoke in any and all enclosed facilities owned or leased by the County of Grant. All facilities owned or leased by the County of Grant shall be subject to the provisions of this Ordinance.

#### Sec. 5 Smoking in Places of Employment

- A. For places of employment, within 30 days after the effective date of the Grant County Smoke Free Ordinance, the department head/elected official shall certify to the Board of County Commissioners, in writing, that they have received a copy of this Ordinance and that it has been presented to each employee in each department. The department head/elected official shall post "No Smoking" signs in every work area within his/her department.
- B. Smoking may be permitted in areas specifically designated and posted with signs which read "Smoking Permitted." The "Smoking Permitted" areas will be clearly identified.
- C. An employer who fails to adopt a smoking policy, or who fails to post signs prohibiting smoking as required by Section 8 (24-16-8 NMSA 1978) of the Clean Indoor Air Act is in violation of this Section.

#### Sec. 6 Required Signs

To advise persons of the existence of nonsmoking, and smoking permitted areas, signs shall be posted as follows:

- A. In public places where the person in charge prohibits smoking in the entire establishment, a sign using the words "No Smoking" or the international no-smoking symbol or both shall be conspicuously posted either on all public entrances or in a position where the sign is clearly visible on entry into the establishment.
- B. Areas where smoking may be permitted shall be clearly identified with "Smoking Permitted" signs.

Sec. 7 Person in Charge; Compliance

The person in charge of a public place or public meeting shall make reasonable efforts to secure compliance with the provisions of the Clean Indoor Act [24-16-1 to 24-16-11 NMSA 1978] by:

- A. Posting appropriate signs;
- B. asking smokers to refrain from smoking upon request of a client or an employee suffering discomfort from the smoke;

Sec. 8 Exceptions

- A. The Gila Regional Medical Center Smoking Policy is hereby incorporated by reference and it will apply only to the Gila Regional Medical Center.
- B. Inmates at the Grant County detention facility will be governed by the policy as outlined by the Grant County Sheriff.

Sec. 9 Penalties

Any person who commits an unlawful act under any of the provisions of the Clean Indoor Act [24-16-1 to 24-16-11 NMSA 1978] shall be fined in an amount not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00) for each violation.

Sec. 10 Effective Date

This Grant County Smoke Free Ordinance shall take effect thirty (30) days after it has been duly recorded in the book kept for that purpose by the Grant County Clerk.

PASSED, ADOPTED AND APPROVED by the Grant County Board of Commissioners, this 2nd day of May, 1991.

STATE OF NEW MEXICO  
County of Grant

I hereby certify that this instrument was filed on 3rd day of May, 1991 at 9:06 a.m. and duly recorded on 204 page of Ordinances at page 609-11.  
 Witness my hand and seal of office this 3rd day of May, 1991.  
Mary Ann Carrillo  
 COUNTY CLERK, GRANT CO., N.M.  
Isabel Herrera Deputy

BOARD OF GRANT COUNTY COMMISSIONERS

David D. Diaz  
DAVID D. DIAZ, CHAIRMAN

Manuel T. Serna  
MANUEL T. SERNA, MEMBER

Carl W. Scholl  
CARL W. SCHOLL, MEMBER

ATTEST:

Mary Ann Carrillo  
MARY ANN CARRILLO  
GRANT COUNTY CLERK