

COUNTY OF CHEROKEE)
)
STATE OF GEORGIA)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER TWO (2) OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, RELATING TO COUNTY ADMINISTRATION, SO AS TO EXTEND THE COUNTY TOBACCO-FREE POLICY TO ENCOMPASS E-CIGARETTES AND SMOKELESS TOBACCO; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the county; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance to protect and preserve the public health, safety, and welfare of the population of the unincorporated areas of Cherokee County;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, GEORGIA as follows:

1.

The Cherokee County Code of Ordinances, Chapter 2, Section 5, shall be amended by deleting Section 2-5 in its entirety and replacing the same with a new Section 2-5, which shall read as follows:

Sec. 2-5. - No smoking and tobacco-free policy within the county facilities.

(a) E-cigarette(s) means any electronic oral device, such as one consisting of a heating element, battery, and/or electronic circuit, that produces an aerosol mist or vapor, the use or inhalation of which simulates smoking. The term “vaping” shall mean the use of an e-cigarette or inhalation of the vaporized contents of an e-cigarette.

(b) There shall be no smoking of tobacco products, use of smokeless tobacco products, or vaping of e-cigarettes in county buildings, facilities, vehicles and lease space and equipment, except in those areas as designated by the board of commissioners. In addition, smoking and vaping are prohibited within 100 feet of any flammable substance and outdoor working including fueling stations, three-wall garages and storage areas. However, in other outdoor spaces where fuel and other flammable substances are contained in approved containers, smoking and vaping may be permitted. Smoking and vaping will be permitted in outside work areas which are not within 100 feet of any flammable or combustible substance.

2.

Remaining Portions Unaffected. Except as specified hereinabove, all remaining portions of the Cherokee County Code of Ordinances shall continue in full force and effect, and shall remain unaffected by this amendment.

3.

Severability. It is the express intent of the Cherokee County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given

effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

4.

Conflicting Ordinances Repealed. Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

5.

Effective Date. This Ordinance shall become effective immediately upon passage.

SO ORDAINED this ____ day of _____, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

Steve West, District 1

Raymond Gunnin, District 2

Brian Poole, District 3

K. Scott Gordon, District 4

ATTEST:

Christy Black, County Clerk