

ORDINANCE #12-25

AN ORDINANCE ADDING SECTION 94.27 TO THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO PROHIBITING USE OF TOBACCO PRODUCTS.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, on January 2, 2010, “An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment,” North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances “that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;” and

WHEREAS, the Village of Pinehurst is committed to protecting the health of employees and the general public on the grounds of the Village’s parks system and in buildings located in the Village’s parks system by eliminating exposure to secondhand smoke; and

WHEREAS, the Village of Pinehurst is committed to protecting the health of children and the general public on and the environment of the grounds of the Village’s parks system and in buildings located in the Village’s parks system by eliminating the amount of litter caused by discarded cigarette butts; and

WHEREAS, the Village of Pinehurst is committed to protecting the health of children and the general public by providing an environment on the grounds of the Village’s parks system and in the buildings located in the Village’s parks system that promotes healthy messages about refraining from smoking and using other tobacco products; and

WHEREAS, the Village of Pinehurst provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee’s insurer, local cessation programs and use of the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, the Village of Pinehurst wishes to minimize the harmful effects of tobacco use among Village employees and eliminate secondhand smoke exposure for employees and the public on the grounds of the Village's parks system and in the buildings located in the Village's parks system; and

WHEREAS, this Council finds and declares that, in order to protect the public health and welfare, it is in the best interest of the citizens of the Village to adopt an ordinance prohibiting smoking and the use of tobacco on the grounds of the Village's parks system and in buildings located on the Village's parks system;

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in work session assembled this 24th day of July, 2012 as follows:

SECTION 1. That Section 94 of the Village of Pinehurst, North Carolina Municipal Code is hereby amended by adding a section to be numbered 94.27, which shall read as follows:

§ 94.27 USE OF TOBACCO PRODUCTS

It shall be unlawful for any person to use tobacco products on Village of Pinehurst Park Facilities. For the purposes of this section, "Park Facilities" include the following properties: Cannon Park, a 15 acre property located at 90 Woods Road; Rassie Wicker Park, a 103 acre property located at 10 Rassie Wicker Drive; West Pinehurst Park, a 67 acre property at 861 Chicken Plant Road; and all portions of the Pinehurst Greenway System.

The 111 acre Pinehurst Harness Track facility at 200 Beulah Hill Road South is exempt from the prohibition on the use of tobacco products. Penalty, see § 94.99

SECTION 2. That all local ordinances in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 24th day of July, 2012.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:
Michael J. Newman
Michael J. Newman, Village Attorney