

## COUNTY OF LENAWEЕ CLEAN AIR ORDINANCE

To protect and contribute to the health and well-being of all Lenawee County employees and the general public, the County of Lenawee hereby enacts this Clean Air Ordinance effective November 10, 1999 and hereby provides for the dissemination to all County departments of the provisions and policies herein set forth. This Ordinance is inclusive of all of the following provisions:

This Ordinance, except as otherwise herein provided, absolutely and unconditionally bans and prohibits the smoking, chewing, inhalation or other use of tobacco products, or tobacco substitute products, including but not limited to cigars, pipe tobacco, cigarettes, snuff and chewing tobacco, and all tobacco substitute products, regardless of how labeled, packaged or consumed, with this provision to apply to all buildings owned, leased, rented or otherwise possessed and used by the County of Lenawee, or any of its agencies.

### **Exempt Areas**

The Ordinance Review Committee, hereinafter designated and described, may by policy determination, elect to add or exempt certain County areas, buildings or facilities from application of this Ordinance but any such exemptions shall be marked and designated by clear and prominent signage. In the absence of any such signage, all the prohibitions set forth herein shall apply, but the Ordinance Review Committee shall have the duty of seeing to it that County facilities, buildings, and grounds are prominently marked with signage consistent with the provisions of this Ordinance. The absence of signage or posting, however, shall not bar the enforcement of this Ordinance.

### **Ordinance Review Committee**

The Lenawee County Board of Commissioners shall appoint a Clean Air Ordinance Review Committee, which shall function as a standing committee, and which shall meet not less than quarterly in each and every calendar year, and said Committee shall be restructured each time the County Board of Commissioners is reorganized following a general election, or at such more frequent intervals as may be required due to vacancies occurring on the Committee. The Committee members shall be selected, approved and confirmed by action of the Lenawee County Board of Commissioners, and shall consist of the following:

1. A duly elected and serving Lenawee County Commissioner.
2. The Lenawee County Health Officer.
3. The Lenawee County Maintenance Supervisor.
4. The Lenawee County Sheriff or his designee.
5. The Lenawee County Administrator.

### **Enforcement of Policy**

Consistent with the provisions of this Ordinance, the Ordinance Review Committee shall deal with signage matters, promulgate enforcement rules and procedures, set and review enforcement policy, designate enforcement officials and make studies and recommendations to the County Commissioners as to how County employees may be encouraged and assisted with all problems associated with nicotine addiction.

All complaints setting forth alleged violations of this Ordinance shall be reported in writing to such persons as shall be designated by action of the Ordinance Review Committee as the designated county official or officials having responsibility for the enforcement officers, and shall make such investigations as shall be appropriate in respect to any particular complaint, and shall then proceed to deal with said complaint according to such enforcement and prosecution standards as shall be set by the Ordinance Review Committee, based upon the provisions of this Ordinance.

### **Investigation of Complaints**

All complaints relating to an alleged violation of this Ordinance shall be investigated within fifteen (15) working days of the date that the complaint is initially filed with an agent or employee of the County of Lenawee and forwarded to the enforcement officer. The results of each investigation, in addition to the issuance of such violation citations and/or prosecutions as may occur, shall also be filed with the Ordinance Review Committee for their review, but their review shall not be a prerequisite to enforcement and prosecution of any particular alleged violation.

### **Violations**

If an investigation of an alleged violation confirms that a violation has apparently occurred, the enforcement officer may issue a written warning to a first-time offender. The enforcement officer may, however, prosecute a first-time offender if such prosecution is deemed by the enforcement officer to be appropriate. A prosecuted violation shall be initiated by a citation which shall be issued and served upon the offender, citing the offender into Second District Court for violation of this Ordinance. A first-time violation shall be subject to a fine of \$50.00, together with such costs as the Court may impose. Conviction of a first or subsequent offense, if committed by an employee of the County of Lenawee, may also subject that employee to such other and further disciplinary actions as shall be consistent with county employment policy and union contracts.

### **Repeal or Amendment of Inconsistent Acts**

Any existing resolutions or ordinances, or other policy declarations set forth by the Lenawee County Board of Commissioners, such as they may conflict with the terms and provisions of this Ordinance, are hereby rescinded or amended in whole or part to the extent necessary to conform to the provisions hereof.

### **Interpretation and Severability**

This Ordinance shall be interpreted in a manner consistent with all applicable Michigan and federal statutes, laws, rules and regulations. However, it is recognized and intended that the provisions of this Ordinance shall be more strict than the minimum provisions contained in any such Michigan and/or federal statutes, laws, rules or regulations. Further, should any section, paragraph, provisions or sentence of this Ordinance be held to be invalid, by any judicial action in any proceeding, for any reason, such judicial holding shall not be construed as adversely affecting the validity of any and all remaining portions hereof.

*Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held the 9<sup>th</sup> day of December, 1999.*