

RECORDED

APR 25 2013

Doc# 2013040019

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

ORDINANCE)	AN ORDINANCE AMENDING
)	ESTABLISHMENT OF A TOBACCO AND
NO. 2013-02)	SMOKING FREE CAMPUS

The Board of Commissioners of Clatsop County ordains as follows:

SECTION 1. SHORT TITLE

This ordinance shall be entitled and shall be known as the "Amended Clatsop County Tobacco and Smoking Free Campus Ordinance"

SECTION 2. PURPOSE

Tobacco use imposes enormous public health and financial costs on Clatsop County – costs that are completely avoidable. Creating tobacco free areas is an evidence based practice that reduces tobacco consumption and exposure to second hand smoke. In addition, any lighted smoking instrument can be a fire hazard. The economic burden of tobacco use in Clatsop County is \$27 million dollars annually in health care costs and loss of productivity. Tobacco is the largest cause of preventable illness, suffering and death. This is an important step to continue making a difference in our community and in the lives and generations to come

SECTION 3. CONFORMANCE OF STATE LAW

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This ordinance shall supersede, control and repeal any inconsistent provision of any County ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect on the 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

SECTION 7. ADOPTION CLAUSE

Ordinance 2012-07, codified as Chapter 8.16 of the Clatsop County Code, is amended to read as follows:

A. Definitions:

1. "County Campus" means all land and buildings at the County Service Building, 800 and 820 Exchange Street, Astoria, Oregon; the Boynton Building, 857 Commercial Street, Astoria, Oregon; the Public Works Building and Shop, 1100 and 1196 Olney Avenue, Astoria, Oregon; the Clatsop County Courthouse, 749 Commercial Street, Astoria, Oregon; the Clatsop County Sheriff's Office and Jail, 355 7th Street, Astoria, Oregon; Community Corrections at 1190 SE 19th, Warrenton, Oregon; and the Animal Shelter at 1315 SE 19th, Warrenton, Oregon. The legal descriptions of the real property encompassing the County Campus are as follows:

- 1) *Boynton Building*: Lots 3 & 4, Block 27, McClures Astoria, excepting therefrom the North 5 feet of said Lots 3 & 4 and the East 5 feet of said Lot 4 for street purposes, in the City of Astoria, Clatsop County, Oregon.
- 2) *800 & 820 Exchange Street*: Lots 1 through 8, Block 42, McClures Astoria, excepting therefrom the North 5 feet, the South 5 feet and the East 5 feet of said Block 42 for road purposes, in the City of Astoria, Clatsop County, Oregon.
- 3) *Public Works Building and Shop*: A parcel of land in Section 17, Township 8 North, Range 9 West, Willamette Meridian, County of Clatsop, Oregon, Described as follows; Block 30 Olney's Astoria including tideland frontage lying North of Hwy 202.

A parcel of land lying in Block 29, Olney's Addition to Astoria and being a portion of the following described property:

That tract of land which was conveyed by that certain deed to Clatsop County recorded in Book 132, Page 65, Deed Records, Clatsop County; the said parcel being described as follows:

Beginning at the South East Corner of said Block 29; Thence North 1° 22' East along the East line of said Block a distance of 252.0 feet; Thence North 88° 38' West parallel to the South line of said Block a distance of 220.0 feet; Thence South 1° 22' West parallel to the East line of said Block a distance of 252.0 feet; Thence South 88° 38' East along said South line a distance of 220 feet to the point of beginning.

- 4) *Clatsop County Courthouse*: Lots 1 through 8, excepting the South 6.0 feet of Lot 7, Block 28 McClure's Astoria, in the City of Astoria, County of Clatsop, State of Oregon.
- 5) *Clatsop County Jail*: Lots 5, 6, 7 and 8, Block 29 McClure's Astoria, in the City of Astoria, County of Clatsop, State of Oregon.
- 6) *Transition Center*: That portion of Parcel 3, Partition Plat 2006-033 Clatsop County, State of Oregon, lying south of the most southern part of an easement recorded in Clatsop County Deed Records Instrument No. 200401949, in the City of Warrenton, County of Clatsop, State of Oregon.
- 7) *Clatsop County Animal Shelter*: Parcel 2, Partition Plat No. 1999-006, County of Clatsop, State of Oregon.

2. "Tobacco Product" means cigarettes, cigars, pipes and other smoking products, dip, chew, snuff, snus and any other smokeless tobacco product, and nicotine delivery devices such as electronic cigarettes, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation.

3. "Smoking Instrument" means any cigar, cigarette, pipe or other smoking equipment.

B. Prohibitions:

1. It shall be unlawful to use tobacco products in any manner on the County Campus.
2. It shall be unlawful to smoke or carry any lighted smoking instrument on the County Campus.

C. Penalties:

Violation of the provisions of this ordinance shall be punishable upon conviction as a Class B violation.

BOARD OF COUNTY COMMISSIONERS FOR
CLATSOP COUNTY, OREGON

By 
Peter Huhtala, Chairperson

By 
Recording Secretary

First Reading: 3-27-13
Second Reading: 4-24-13
Effective Date: 5-24-13