

## Wake County Smoking, Tobacco and Vapor Product Use Ordinance

### §32-15. Smoking, Tobacco and Vapor Product Use

#### Section 1. Authority.

This ordinance is enacted pursuant to N.C.G.S. 130A-498 and N.C.G.S. 153A-121.

#### Section 2. Definitions.

For the purpose of this subchapter, the following definitions shall apply:

*Smoking.* The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product as defined by N.C.G.S § 130A-492 (16),

*Vapor Product.* Any non-combustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge as defined by N.C.G.S. § 14-313(5).

*Tobacco Product.* Any product that contains tobacco and is intended for human consumption, as defined by N.C.G.S. § 14-313(4). As used in this section, this does not include a tobacco product regulated by USFDA and prescribed for smoking cessation.

*County Building.* A building owned by Wake County, leased as lessor by Wake County, or the area leased as lessee by Wake County and/or occupied by Wake County, within the meaning of "local government building" as defined by N.C.G.S. § 130A-492(8) .

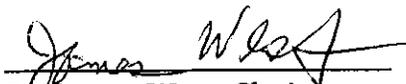
*County Vehicle.* A passenger carrying vehicle owned, leased, or otherwise controlled by Wake County and assigned permanently or temporarily by Wake County to Wake County employees, agencies, institutions, or facilities for official Wake County business, within the meaning of "local vehicle" as defined by N.C.G.S. § 130A-492(9) .

*County Grounds.* An unenclosed area owned, leased, or occupied by Wake County, within the meaning of "grounds " as defined by N.C.G.S. § 130A-492(6) . This includes Wake County parks, playgrounds and athletic fields, greenways, trails, and open space lands owned, leased, or occupied by Wake County.

*Manager.* The individual exercising the powers and duties of manager for Wake County pursuant to N.C.G.S. § 153A-82.

#### Section 3. Areas where Smoking, use of Tobacco Products, and use of Vapor Products are prohibited:

- a. Smoking, use of Tobacco Products, and use of Vapor Products are prohibited in any County Building, any County Vehicle, and on any County Grounds.
- b. The Manager shall direct conspicuous and clear signage to be posted at reasonable intervals at all County Buildings and Grounds where Smoking, use of Tobacco Products, and use of Vapor Products are prohibited by this ordinance.
- c. This Section does not prohibit Smoking, use of Tobacco Products, and use of Vapor Products on streets, rights of way, sidewalks, or other property not owned or leased by Wake County as lessor or lessee.

  
Dr. James West, Chairman  
Wake County Board of County Commissioners

12-22-15  
Date