

RESOLUTION NO. 150552 It was moved by Commissioner Doty and duly seconded by Commissioner Holen to adopt the following resolution:

WHEREAS, the Colorado Clean Indoor Air Act of 2006, Part 2, Article 14, Title 25 of the Colorado Revised Statutes, prohibits smoking in any indoor area, including all offices, work areas, meeting areas, hallways, restrooms, or lobbies of all buildings owned, leased or operated by Arapahoe County; and

WHEREAS, said Clean Indoor Air Act, along with Sections 30-11-107 (1)(a), (e) and 18-9-117(1), C.R.S., allow counties to determine whether or how smoking will be permitted near entrances to property owned, leased or operated by counties, as well as whether or how smoking will be permitted in or on county vehicles or equipment; and

WHEREAS, pursuant to Resolution No. 0701135 approved on February 20, 2007, the Board of County Commissioners of Arapahoe County did adopt a smoking policy with respect to County buildings and vehicles; and

WHEREAS, the Board of County Commissioners now desires to amend and restate the smoking policy for purposes of adding electronic cigarettes and vaporizers to the types of smoking devices covered by said policy, and to make other minor changes and clarifications.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Arapahoe, Colorado, to amend and restate the County's smoking policy as follows:

Section 1. Smoking Prohibited.

- a. With respect to all real property owned, leased or operated by Arapahoe County, smoking is prohibited within any building or other structure, or within 50 feet of any entrance to said buildings or structures, except within areas specifically designated as smoking areas;
- b. With respect to any vehicle or piece of equipment owned, leased or operated by Arapahoe County, smoking is prohibited within or on such vehicle or piece of equipment. This prohibition applies to all assigned, pool and shared vehicles and equipment.

Section 2. Designation of Smoking Areas

The Board of County Commissioners may designate smoking areas outside of any entrance to real property owned, leased or operated by Arapahoe County. Such designated smoking areas shall be clearly marked as smoking areas, and may, in the discretion of the Board of County Commissioners, be within 50 feet of an entrance to any building or structure.

Section 3. Notice.

Notice of the building smoking prohibition shall be clearly and conspicuously posted at all entrances to all buildings owned, leased or operated by Arapahoe County. Said notices shall use

the words “No Smoking” with letters no less than 1” high, or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, no less than 3” high.

Section 4. Definition.

As used in this resolution, the word “smoking” shall mean: (1) inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form; and (2) inhaling, exhaling, or otherwise using, any electronic smoking device or other device which can be used to simulate smoking by the delivery of vapors containing nicotine or other substances to the person inhaling from the device.

Section 5. Scope.

The provisions of this Resolution apply to all persons who enter, use or operate buildings, vehicles or equipment owned, leased or operated by Arapahoe County, including County employees, agents and contractors.

Section 6. Violations by County Employees.

Any employee of Arapahoe County who violates this Resolution shall be subject to disciplinary action in accordance with the provisions of the County Human Resources Guidelines, as well as being subject to the possible penalties outlined in Section 7 of this Resolution.

Section 7. Enforcement.

The Colorado Clean Indoor Air Act (Colorado Revised Statutes 25-14-201 *et seq.*) shall govern enforcement of this Resolution with respect to any violation which involves smoking as defined in part one of Section 4. Colorado Revised Statutes Section 18-9-117 shall govern enforcement of this Resolution with respect to any violation which involves smoking as defined in part two of Section 4.

Section 8. Non-Applicability.

This Resolution is not intended to apply to persons smoking within privately owned or leased vehicles that are legally parked but within 50 feet of an entrance to a County owned, leased or operated building.

Section 9. Severability.

If any section, paragraph, subparagraph, phrase, sentence or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 10. Effective Date.

This Resolution shall become effective on September 22, 2015, and shall supersede and replace any previously adopted versions of the County Smoking Policy.

The vote was:

Commissioner Bockenfeld, Absent and Excused; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Absent and Excused; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.