

Office of Leelanau County Clerk

County Building
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Leland, Michigan

Michelle L. Crocker
County Clerk
Clerk of the Circuit Court

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Excerpt

LEELANAU COUNTY BOARD OF COMMISSIONERS REGULAR SESSION – TUESDAY, SEPTEMBER 18, 2007

Tentative Minutes – meeting taped.

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Roll call taken:	District #1 – Jean I. Watkoski	PRESENT
	#2 – Mark Walter	EXCUSED
	#3 – William J. Bunek	PRESENT
	#4 – Mary P. Tonneberger	PRESENT
	#5 – David W. Shiflett	PRESENT
	#6 – Robert L. Hawley	PRESENT
	#7 – Melinda C. Lautner	PRESENT

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Action Items:

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Tobacco Free Zone Ordinance:

MOTION BY SHIFLETT TO RECOMMEND APPROVAL OF THE LEELANAU COUNTY TOBACCO FREE ZONE ORDINANCE, PENDING LEGAL COUNSEL REVIEW AND EXCLUDING COUNTY PARKS. SECOND SHIFLETT.

Discussion...

**ROLL CALL: WATKOSKI – YES; BUNEK – NO; LAUTNER – YES;
SHIFLETT – YES; TONNEBERGER – YES; HAWLEY – YES.**

AYES – 5 NO – 1 (BUNEK) ABSENT/EXCUSED – 1 MOTION CARRIED.

LEELANAU COUNTY ORDINANCE NO. 07-001

AN ORDINANCE ESTABLISHING COUNTY OWNED PUBLIC FACILITY CAMPUSES AS TOBACCO FREE

Pursuant to the authority granted in MCL 46.10b, MCL 46.11(j), MCL 46.11(m), and MCL 46.201, the County of Leelanau ordains as follows:

Section 1. Purpose.

The County of Leelanau recognizes the need for a well-defined and enforceable Tobacco-Free Public Campus Ordinance. The purpose of this Ordinance is to protect the public's health, safety and welfare by prohibiting tobacco use on County owned campuses.

Public Act 198 of 1986, more commonly known as the Michigan Clean Indoor Air Act, prohibits smoking in all places owned or operated by state or local government. Leelanau County passed a Smoke-Free Policy on November 21, 2006, prohibiting smoking in all County-owned buildings, garages, storage units, leased or owned vehicles, among others.

In 1993, the Environmental Protection Agency (EPA) classified environmental tobacco smoke as a Group A Carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A Carcinogens.

Smokeless tobacco, commonly referred to as 'spit' tobacco, also poses a sanitation and health risk due to the tobacco product's mix with human saliva and the unsanitary habit of product disposal (in open containers or directly onto walking surfaces.)

In light of these findings, all Leelanau County campuses shall be tobacco-free.

Section 2. Definitions.

County Campuses – Any County owned/leased facility where official business is conducted, excluding County-owned parks. This includes the interior and exterior of Leelanau County buildings including, but not limited to, the Law Enforcement Center (LEC) and the Governmental Center and as to the exterior of buildings from the edge of the building to the public sidewalk including parking lots and on the rights-of-way of East Government Center Drive.

Tobacco Product – Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

Section 3. Tobacco-Use Prohibited on County Campuses.

The County of Leelanau prohibits the use of tobacco products of any form throughout all County campuses.

"Tobacco Free Campus" signs will be posted at all County campus entrances.

Tobacco receptacles will be placed at the "Tobacco Free Campus" sign locations at the entrances to the County campus as a receptacle for tobacco products.

Section 4. Enforcement.

Any Leelanau County Sheriff's Deputy or local Law Enforcement Officer, County Administrator, Department Head or his/her designated representative shall have the authority to request that County employees or members of the public discontinue use of tobacco products on County campuses. Any person who fails to discontinue use of their tobacco products immediately upon request is required to immediately leave the County campus. Any person who continues to use tobacco products on a County campus after being requested to cease such use shall be in violation of this Ordinance, and shall be subject to a civil fine of not more than \$100.00 for a first violation, and not more than \$500.00 for a second or subsequent violation.

Section 5. Complaints.

The County Administrator or his/her designee shall have the authority to investigate any and all complaints alleging violation of this Ordinance.

Section 6. Severability.

If any provision of this Ordinance or its application to any person or circumstance is declared invalid or unenforceable, the remainder of the Ordinance and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Ordinance shall be severed.

Section 7. Effective Date.

This Ordinance shall be effective on publication in the Leelanau Enterprise.

State of Michigan
County of Leelanau

I, Michelle L. Crocker, Clerk of said County and Clerk of Circuit Court for said County, the same being a Court of record having a seal, do hereby certify that the above is a true copy of the Record now remaining in my office and of the whole thereof. In Testimony whereof, I have hereto set my hand and affixed the seal of the Circuit Court the 18th day of September 2007.

/s/ Michelle L. Crocker
Leelanau County Clerk