

Sec. 20-2. Smoking and using electronic cigarettes in county-owned, county-occupied or leased buildings.

- (a) Definitions. For purposes of this section the following definitions shall apply:

Smoking is defined as possessing any lighted cigarette, cigar, pipe or other lighted tobacco product.

Electronic cigarette is ~~an electronic device, having a cartridge with a heater that is used by an individual to vaporize a liquid containing nicotine a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.~~

Vaping is defined as ~~"to inhale and exhale the vapor produced by an electronic cigarette or similar device."~~

Building is defined as any enclosed heated or air-conditioned structure.

Building manager is defined as ~~the person who is the designated point of contact for facility issues for county-owned, county-occupied or leased buildings.~~

- (b) Prohibited. ~~Smoking and the use of electronic cigarettes are~~ prohibited inside any county-owned, county-occupied or leased building and within twenty-five (25) feet of an exterior door, operable window or air intake vent. Other areas adjacent to county-owned, county-occupied or leased buildings that are clearly designated as "no-smoking" will also be prohibited from smoking and using electronic cigarettes. Areas that are not air-conditioned and are clearly marked as "designated smoking areas" are not included in the above smoking and electronic cigarette usage prohibition regardless of where they are located. ~~As e-cigarettes are not tobacco products and fall outside the scope of smoke-free legislation, their use will be allowed in certain designated areas inside county-owned, county-occupied or leased buildings, provided they are odorless.~~
- (c) Violation. It shall be a violation of this section for any person to be smoking or using an electronic cigarette inside any county-owned, county-occupied or leased building and within twenty-five (25) feet of an exterior door, operable window or air intake vent. It is a violation of this section for any person to be smoking smoke or using an electronic cigarette in an area adjacent to a county-owned, county-occupied or leased building that is clearly designated as "no smoking".
- (d) Uniform complaint and notice to appear. Whenever any county code enforcement officer or any county law enforcement officer authorized under this section has probable cause to believe that a person is committing or has committed a violation of any provision of this section, the code enforcement officer or law enforcement officer, after issuing a verbal warning to cease the prohibited activity identified within subsection (b) of this section, may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of the code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.).

- (e) Procedures. Procedures for prosecution of violations of this section shall be pursuant to chapter 8 of this Code.
- (f) Classification of offenses and schedule of fines. Any accused person who shall be convicted in county court for violation of any provision of this section shall be deemed guilty of a violation thereof in accordance with K.S.A. 19-4716 and shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed five hundred dollars (\$500.00); provided further, the minimum fine for any violation of this section shall be assessed according to section 8-5, as amended, and subject to the enhancements contained therein, and each and every violation of this section shall be classified according to the classification indicated in the violation.
- (g) Separate offense. Each violation of this section shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person is found guilty of a violation hereunder and it shall appear to the court that the violation complained of as prescribed in this section is continuing, then in addition to the penalty set forth the court shall enter such order as it deems appropriate to cause the violation to be abated.
- (h) Enforcement. The following county employees are hereby appointed to serve as code enforcement officers pursuant to K.S.A. 19-101d(b)(2), and as amended, and shall have the power to sign, issue and execute uniform complaints and notices to appear as is fully set out in the state code for the enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.), as amended:

County ~~security department head~~Courthouse Police chief and that person's designees.

~~Facility directors and those persons' designees~~Building managers.

County code enforcement officers or any county law enforcement officer.

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