

**AN ORDINANCE AMENDING AND EXTENDING  
THE PROHIBITATION OF TOBACCO USE IN AND ON PUBLIC PROPERTY  
OWNED BY THE CITY OF HAMLET  
ORDINANCE NO. 07-2011**

**WHEREAS**, on June 13, 2006, the City of Hamlet adopted an ordinance prohibiting smoking in any building or in any vehicle owned, leased, operated, occupied, managed or controlled by the City of Hamlet; and

**WHEREAS**, the 2009 session of the General Assembly enacted House Bill 2 (Session Law 2009-27) clarifying and expanding the authority of local governments under N.C.G.S. Section 130A-491 et.seq. to prohibit smoking in certain public places and certain places of employment.

**WHEREAS**, it is the opinion of the Hamlet City Council to protect the health, safety, and welfare of the citizens of the City of Hamlet and all persons using the public facilities thereof, and pursuant to the authority now vested in local governments, that Ordinance No. 03-2006 adopted on June 13, 2006 be amended to include the prohibition of any tobacco use in the City owned Park and Recreational facilities and prohibiting any tobacco use in municipal buildings and municipal vehicles. This ordinance will be consistent with and will implement the prohibitions now authorized under Chapter 130A of the NCGS.

**NOW, THEREFORE, BE IT ORDAINED:**

The City of Hamlet's June 13, 2006 Ordinance No. 03-2006 shall be amended by adding- *the use of any tobacco products are prohibited in the City owned Park and Recreational facilities and in municipal buildings and municipal vehicles.*

**Definitions:**

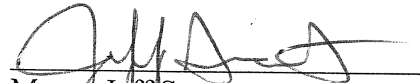
City of Hamlet Park and Recreational Facilities: Any park area that is owned, leased as lessor, or leased as lessee and occupied by the City of Hamlet.

Tobacco products: Any product that contains tobacco and is intended for human consumption.

**Violations: Per NCGS 130A-498 (c1)** "Continuing to smoke in violation of a local ordinance or other rules, laws, or policies adopted under this section constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of a local ordinance or other rules, laws, or policies adopted under this section may not be assessed court costs."

**Effective Date:** This ordinance shall be effective upon adoption.

Adopted this the 1 day of November, 2011.

  
Mayor Jeff Smart

**ATTEST:**

  
Tammy Kirkley, City Clerk

