

**IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER**

IN THE MATTER OF:)	
)	ORDINANCE NO. 2020-03
AN ORDINANCE DESIGNATING)	
CERTAIN COUNTY-OWNED PROPERTY)	
AS MARIJUANA AND TOBACCO FREE)	
)	

WHEREAS, the Baker County Board of Commissioners finds that prohibition of Marijuana and Tobacco products on designated County-owned property is necessary for the protection of the health, safety and general welfare of the people of Baker County; and

WHEREAS, such prohibition is also intended to ensure compliance with the Oregon Indoor Clean Air Act; and,

WHEREAS, the Baker County Board of Commissioners reviewed this ordinance and accepted public testimony during public hearings on _____ and _____.

**NOW, THEREFORE, THE BAKER COUNTY BOARD OF COMMISSIONERS
ORDAINS AS FOLLOWS:**

SECTION 1: The document included as Attachment A, entitled, “*Designated Baker County Properties Identified as Marijuana and Tobacco Free*” is hereby adopted.

SECTION 2: The document included as Attachment B, entitled, “*Designated Baker County Properties*” is hereby adopted.

SECTION 3: If any part or section of this Ordinance is invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this Ordinance will not in any way be impaired.

READ for the first time this _____ day of _____, 2020.

READ for the second time this _____ day of _____, 2020.

Adopted by the Baker County Board of Commissioners the _____ day of _____, 2019. This Ordinance shall take effect 90 days after adoption.

BAKER COUNTY BOARD OF COMMISSIONERS:

William Harvey, Commission Chair

Mark E. Bennett, Commissioner

Bruce A. Nichols, Commissioner

Attest

Heidi Martin, Executive Assistant
Baker County Board of Commissioners

**DESIGNATED BAKER COUNTY PROPERTIES IDENTIFIED AS MARIJUANA &
TOBACCO FREE**

ARTICLE ONE: DESIGNATION OF COUNTY PROPERTIES IDENTIFIED AS
MARIJUANA AND TOBACCO FREE

Except as otherwise authorized in this ordinance, no person shall utilize marijuana or tobacco products on County properties identified in Attachment B of this Ordinance.

ARTICLE TWO: DEFINITIONS

For the purposes of this ordinance the following definitions apply, unless specifically excepted in this ordinance:

1. “Electronic Smoking Device” means an electronic or battery-operated device that delivers marijuana, nicotine or other substances in vapor form and which may simulate smoking. “Electronic smoking device” includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar or cigarillo, and electronic pipe, and electronic hookah or any other product name or descriptor.
2. “Enclosed Area” means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways that extend from floor to ceiling.
3. “Baker County Health Department property” means all interior and exterior areas leased by Baker County Health Department; the interior of any building, structure, or facility that is leased by the Baker County Health Department; any parking area or parking facility leased by Baker County Health Department; all outdoor property leased by Baker County Health Department; and any vehicle that is owned or leased by the Baker County Health Department.
4. “Tobacco Product” means cigarettes, cigars, pipes and any other smoking product; dip, chew, snuff, snus and any other smokeless product; and electronic smoking devices.
5. “Marijuana” means all marijuana products including items for smoking, vaping or ingesting as an edible.
6. “Use of tobacco product” means to inhale, exhale, burn, carry, ingest or use any tobacco product or tobacco like product or to carry any lighted or heated product. “Use of tobacco product” includes the use or the carrying of any electronic smoking device that is turned on or producing vapor. The term “use of tobacco product” does not include the

use of any product specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product if the product is marketed and sold solely for the approved purpose.

7. "Vehicle" means any machine owned or leased by the Baker County Health Department in, upon, or by which any person or property is or may be transported or drawn upon a public road or public waterway and includes vehicles that are propelled or powered by any means.

ARTICLE THREE: PROHIBITIONS

The use of marijuana and tobacco products is prohibited at any time on Baker County owned properties identified in Attachment B that includes but is not limited to buildings, parking lots, grounds and vehicles.

ARTICLE FOUR: EXCLUSIONS

The use of any product specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product if the product is marketed and sold solely for the approved purpose.

ARTICLE FIVE: ENFORCEMENT AND PENALTIES

Violation of the Ordinance will consist of a maximum penalty of \$500 in fines.

Every day in which the violation occurs will constitute a separate violation.

ARTICLE SIX: SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

ARTICLE SEVEN: EFFECTIVE DATE

This Ordinance shall take effect 90 days following adoption.

Attachment B to Ordinance 2020-03:

**DESIGNATED BAKER COUNTY PROPERTIES IDENTIFIED AS MARIJUANA &
TOBACCO FREE**

The following properties are hereby identified and designated as marijuana and tobacco free:

1. Baker County Health Department