TOWN OF SILER CITY ORDINANCE

Chapter 11 – Health and Sanitation.

Article IV. Tobacco Use.

Section 11.82. Authority.

This ordinance is enacted pursuant to NCGS 130A-498 and 160A-174(a).

Section 11.83. Definitions.

a) "Town of Siler City building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the Town of Siler City.

b) "Town of Siler City vehicle". – A passenger-carrying vehicle owned, leased, or otherwise controlled by the Town of Siler City and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official Town of Siler City business.

c) "E-cigarette". – Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

d) "Employee". – A person who is employed by the Town of Siler City or who contracts with the Town of Siler City or a third person to perform services for the Town of Siler City, or who otherwise performs services for the Town of Siler City with or without compensation.

e) "Grounds". – An unenclosed area owned, leased, or occupied by the Town of Siler City.

f) "Local health department". – The district health department, public health authority, or county health department, the jurisdiction of which includes the Town of Siler City.

g) "Town of Siler City parks system". – Any tract of land or body of water comprising part of the Town of Siler City’s parks, playgrounds, recreation areas, greenways, or trails.

h) "Public place". – An enclosed area to which the public is invited or permitted.

i) "Smoking". – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

j) "Tobacco product". – Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a
tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

k) “Universal ‘No Smoking’ Symbol”. – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

l) “Universal ‘No Smoking and Use of Tobacco Products Prohibited’ Symbol”. – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

Section 11.84 Tobacco waste as litter.

a) No person shall dispose of cigarette butts, cigar tips, or any other tobacco waste on Town property in any manner other than use of a standard trash receptacle.

b) Spitting smokeless tobacco on the floors, entryways, walls, steps, parking lots, or walkways of Town property.

Section 11.85. Tobacco prohibited on Town property.

a) Smoking and the use of tobacco products are prohibited:
   i. In Town of Siler City buildings;
   ii. On Town of Siler City grounds;
   iii. On the grounds of the Town of Siler City parks system; and
   iv. In the Town of Siler City buildings located in the Town of Siler City park system.

b) The prohibition on smoking and the use of tobacco products in the places listed in section 11.84(a) above includes those times when they are being used for private events.

c) The Town Manager shall have the authority to designate tobacco use areas for Town facilities, except for all Parks and Recreation buildings and grounds, which shall remain tobacco free.

Section 11.86 Tobacco prohibited in Town vehicles and equipment.

a) Smoking and the use tobacco products are prohibited:
   i. In Town of Siler City vehicles;
   ii. On Town of Siler City equipment.

Section 11.87. Areas in Which Smoking and the Use of Tobacco Products and the Use of E-cigarettes are Prohibited.

a) Smoking and the use of e-cigarettes are prohibited: In all enclosed areas of public places within the Town of Siler City, excluding those places identified in NCGS 130A-498(b1) as being exempt from smoking restrictions, including certain tobacco shops, premises of tobacco manufacturers and growers, smoking guest rooms in lodging establishments, certain cigar bars, private clubs, and live production sets.
b) The prohibition on smoking and the use of e-cigarettes in the places listed in section 11.85 above includes those times when they are being used for private events.

Section 11.88. Implementation Requirements.

a) The Town of Siler City and persons who manage, operate, or control a public place shall post signs that meet all the requirements in Section 11.87 of this ordinance.

b) The Town of Siler City and persons who manage, operate, or control a public place shall remove all ashtrays and other smoking receptacles from places where smoking and tobacco products are prohibited, except for ashtrays and receptacles for sale and not intended for use on the premises.

c) The person in charge of the Town of Siler City building, vehicle, grounds, or parks system or public place or his or her designee, shall direct a person who is smoking or using a tobacco product in a prohibited area to cease and, if the person does not comply, shall contact the Town of Siler City Police Department.

Section 11.89. Signage.

a) The signs required by Section 11.86 must:
   i. State in English and Spanish the applicable prohibition for the area (e.g. smoking and the use of tobacco products are prohibited) and include the applicable universal symbol (e.g., the “No Smoking and Use of Tobacco Products Prohibited” symbol).

   ii. Be of sufficient size to be clearly legible to a person of normal vision and be conspicuously posted.

   iii. Be posted at the entrance to each Town of Siler City building and in other locations within the building reasonably calculated to inform employees and the public of the prohibition.

   iv. Be posted on Town of Siler City grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

   v. Be posted at the entrance to buildings in the Town of Siler City parks system.

   vi. Be posted on the grounds in the Town of Siler City parks system in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

Section 11.90. Enforcement and Penalties.

a) Visitor Violations. Visitors who smoke or are seen using tobacco will be asked to refrain while in Town of Siler City buildings, vehicles or on Town of Siler City grounds or leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to comply and leave.
b) Employee Violations. Consequences for employees who violate this smoke and tobacco free policy will be in accordance with personnel policies and may include verbal or written warning.

Section 11.91. Public Education.

The Town of Siler City shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance to employees and citizens affected by it and to guide operators and managers in their compliance with it. In doing so, the Town of Siler City may rely upon materials and information provided by the local health department.

Section 11.92. Severability; Conflict of Laws.

If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11.93. Effective Date.

This policy shall be effective January 1, 2020.

John F. Grimes, Mayor

ATTEST:

Jenifer K Johnson, Town Clerk