

Approved: \_\_\_\_\_

Town Attorney

Date: \_\_\_\_\_

Public Hearing: September 19, 2022

Council Action: PASSED 7-0-0 \_\_\_\_\_

Effective Date: October 9, 2022 \_\_\_\_\_

Moved: Councilor Lesser \_\_\_\_\_

Seconded: Councilor O'Connor

## ***TOBACCO AND CANNABIS-FREE AND SMOKE-FREE RECREATION AREAS ORDINANCE***

### **Purpose; legislative authority.**

The purpose of this article is to promote the health, safety, and welfare of all persons using town-owned or town-operated recreation areas by prohibiting smoking and the use of any tobacco or cannabis products at all town-owned and town-operated recreation areas.

This article is adopted in accordance with the provisions of G.S. § 7-148(c)(7)(H)(xvi), as amended. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**Cannabis products or marijuana** shall mean all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Marijuana does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such plant which is incapable of germination, or hemp, as defined in 7 USC 1639o, as amended from time to time. Included are cannabimon, cannabimol or cannabidiol and chemical compounds which are similar to cannabimon, cannabimol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp, as defined in section G.S. § 22-61I.

**Recreation areas** shall mean any outdoor area owned and operated by the town and open to the general public and where the public generally assembles for recreational purposes, including, but not limited to, beaches, pools, picnic areas, playgrounds, gardens, athletic fields, athletic facilities, bleachers, dog parks, skate parks, fairgrounds, tennis courts, basketball courts, concession areas, pavilions, parking areas, greens, Heritage Way bike trail, and other such recreation areas and support facilities and structures. "Recreation areas" shall not include open space properties and natural areas owned and operated by the town where the public generally does not assemble for recreation activities.

**Smoking** shall mean the acts of inhaling or burning any lighted or heated cigar, cigarette, pipe or similar device, or any other lighted or heated tobacco or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. For the purposes of this subsection, "smoking" shall also include the use of an electronic nicotine delivery system or electronic cannabis delivery system which shall include an electronic device used in the delivery of nicotine, cannabis or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device,

including, but not limited to, electronic cigarette liquid. For the purposes of this subsection, "smoking" shall also include vapor products which means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and is inhaled by the user of such product.

**Tobacco products** shall mean any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, dissolved, inhaled, snorted, sniffed, or ingested by other means, including, but not limited to, cigarettes, cigars, piped tobacco, chewing tobacco, and snuff. "Tobacco products" also includes any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar or pipe. Prohibition against using tobacco products or cannabis products or smoking in recreation areas.

No person shall engage in the act of smoking or use any tobacco or cannabis products in any town-owned or town-operated recreation area. Penalties for offenses.

Any person who violates any provision of this article shall be subject to a fine of fifty dollars (\$50.00) for each separate offense or violation.

### **Posting of signs.**

Every recreation area shall have at least one (1) conspicuously displayed sign which indicates that smoking and the use of any tobacco or cannabis products are prohibited and that any person who violates the town's prohibition on smoking or using any tobacco or cannabis products in a recreation area may be fined.

### **Designation of smoking and tobacco use areas for certain events.**

Upon the approval of the town manager or town manager's designee, certain spaces within recreation areas may be designated as temporary or permanent smoking and tobacco products use areas. This section shall also apply to recreation areas reserved for exclusive use or leased by the town.

The use of cannabis products is prohibited at all town-owned and town-operated recreation areas.