



NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF CORN, OKLAHOMA:

Whereas the Code of Ordinances of Corn, Oklahoma does not adequately provide for the regulation of the use of Tobacco Products and Vapor Products, we are adding Section 19-1 through 19-5 in Article 1 of Chapter 19 of our Code of Ordinances to be added as follows:

ARTICLE 1. GENERAL PROVISIONS

Section 19-1. Definitions.

It is the intent of the Town Board, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco product and vapor product use around non-users, especially children; by protecting the public from exposure to secondhand smoke where people work, play, and learn; by reducing the potential for children to wrongly associate tobacco product and vapor product use with a healthy lifestyle; and by affirming and promoting a healthy environment in the Town of Corn.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

1. Indoor Area means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.
2. Municipal Property means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the Town, including but not limited to vehicles and equipment owned by the municipality.
3. Outdoor Area means any area that is not an Indoor Area and includes outdoor recreational areas.
4. Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.
5. Tobacco Product means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

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6. Vapor Product means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

#### Section 19-2. Prohibited Conduct.

1. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.
2. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.
3. Nothing in this chapter prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.
4. No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is under the control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.
5. No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of this chapter.

#### Section 19-3. Required Signs.

1. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by this chapter shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.
2. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

3. For purposes of this section, the City Official or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.
4. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this chapter.

Section 19-4. Penalties and Enforcement.

1. Enforcement of this chapter shall be the responsibility of the County Sheriff. In addition, any peace officer or code enforcement official may enforce this chapter.
2. Any person who knowingly violates this chapter shall be punished by a citation and fine of not less than \$25 and not more than \$100 in accordance with chapter 19 of the Town of Corn Municipal Code.
3. The possession of a lighted Tobacco Product in violation of this chapter is a nuisance.
4. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
5. Each instance of Tobacco Product or Vapor Product use in violation of this chapter shall constitute a separate violation.
6. The use of a Vapor Product in violation of this chapter is a nuisance.
7. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter regarding Tobacco Product or Vapor Product use shall also constitute a violation of this chapter
8. In addition to other remedies provided by this chapter or by other law, any violation of this chapter regarding Tobacco Product or Vapor Product use may be remedied by the town board including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.

Section 19-5. Statutory Construction and Severability.

It is the intent of the Town Board of the Town of Corn to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision.

Article 2 and 3, Sections 19-6 through 19-20. (Reserved for future use.)

Passed and approved this 31<sup>st</sup> day of October, 2019



THE TOWN OF CORN, OKLAHOMA

BY: Barbara Nurnberg  
BARBARA NURNBERG, MAYOR

ATTEST:

Chris Loewen

CHRIS LOEWEN, TOWN CLERK



NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF CORN, OKLAHOMA:

Whereas the Code of Ordinances of Corn, Oklahoma does not adequately provide for the sale of tobacco, the town board is creating the requirements pertaining to tobacco retailers, adding Section 19-6 in Article 2 of Chapter 19 of our Code of Ordinances, and declaring an emergency.

ARTICLE 2. TOBACCO SALES

Section 19-6. Location.

No new business licensed by the Town of Corn, Oklahoma shall be located or operated at any place except at locations permitted by the town's zoning or planning laws. The location of a tobacco store is specifically prohibited within three hundred (300') of any public or private school and playgrounds.

EMERGENCY ORDINANCE CLAUSE.

WHEREAS, an immediate necessity exists for enactment of the above referenced ordinance, therefore, for the preservation of the public peace, health and safety, and emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage.

Passed and approved this 20<sup>th</sup> day of December, 2019

THE TOWN OF CORN, OKLAHOMA

BY: Barbara Nurnberg  
BARBARA NURNBERG, MAYOR



ATTEST:

Chris Loewen  
CHRIS LOEWEN, TOWN CLERK

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