



**AN ORDINANCE TO AMEND TEXT SECTION OF CHAPTER 31, ARTICLE II,  
SECTION 31.19 OF THE CODE OF ORDINANCES OF THE TOWN OF BLACK  
MOUNTAIN**

**WHEREAS**, the Town of Black Mountain did adopt and amend Chapter 31 Article II, Tobacco Use, of the Code of Ordinances of the Town of Black Mountain to prohibit the use of tobacco products in certain public areas within the Town; and

**WHEREAS**, since adoption and amendment of such ordinance, the use of e-tobacco products, such as vapor cigarettes and cigars has become more widespread; and

**WHEREAS**, while such products may be less noxious, some of the aesthetic and health issues exist with such e-tobacco products; and

**WHEREAS**, it is in the best interest of the citizens of the Town of Black Mountain that the public places where such products may be used be limited; and

**WHEREAS**, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning, and subdivision regulations; and

**WHEREAS**, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

**WHEREAS**, upon recommendation of the Planning Board, the following text amendments are required in order to carry out vision statement three: community appearance, vision statement four: recreation, parks and open space and vision statement fifteen: health care of the 2014 Comprehensive Plan.

**NOW, THEREFORE** Section 31.19 of the Town of Black Mountain Code of Ordinances is hereby amended with the following (additions are in bold italics and deletions are shown as red struck text):

**1. Section 31.19 Definitions**

Tobacco Use. The inhaling, exhaling, burning or carrying a lighted pipe, cigar or other combustible tobacco product of any kind or the chewing, spitting or dipping of a smokeless tobacco product, ***and the inhaling, exhaling or carrying of a noncombustible product derived from tobacco including a vapor product or components of a vapor product which employs a mechanical heating element, battery or electric circuit, regardless of the shape or size of such mechanism, including electronic/vapor cigarettes, electronic/vapor cigars and electronic/vapor pipes.***

**READ, APPROVED AND ADOPTED**, by a vote of 5 to 0, this the 13<sup>th</sup> day of April, 2015.

  
C. Michael Sobol, Mayor

ATTEST:

  
Darlene R. Whisenant, Town Clerk

**A STATEMENT OF CONSISTENCY TO AMEND CHAPTER 31 ARTICLE 2  
TOBACCO USE OF THE CODE OF ORDINANCE BY A TEXT AMENDMENT**

**BE IT ORDAINED** by the Board of Aldermen for the Town of Black Mountain, North Carolina, that they adopt the following STATEMENT OF CONSISTENCY:

**WHEREAS**, when the Board of Aldermen adopted the Town of Black Mountain Code of Ordinances, the Planning Board committed to reviewing these regulations in order to improve their application to our community context; and

**WHEREAS**, in accordance with the provisions of North Carolina General Statute §160A-383, the members of the Planning Board find and determine that the adoption of the recommended text amendment are consistent with vision statements three, four and fifteen of the adopted 2014 Comprehensive Plan and the 2008 adopted Comprehensive Pedestrian Plan; and

**WHEREAS**, the Planning Board recommends, and the Board of Aldermen find, that the proposed changes are consistent with Section 1.5.2 "Requirements for Consideration of Zoning Map and Text Amendments" and find that these recommendations promote the general welfare and are in keeping with good zoning practice;

**BE IT ORDAINED** by the Board of Aldermen for the Town of Black Mountain, North Carolina, that the text amendments proposed for Chapter 31, Article II Tobacco Use of the Black Mountain Code of Ordinances are consistent with the Town's 2014 Comprehensive Plan and 2008 Comprehensive Pedestrian Plan.

**READ, APPROVED AND ADOPTED** this 13<sup>th</sup> day of April, 2015, by a vote of  
5 to 0.



C. Michael Sobol, Mayor



Matt Settlemyer, Town Manager

ATTEST:



Darlene R. Whisenant, Town Clerk