

**TOBACCO USE ORDINANCE  
FOR THE  
MUNICIPAL TOWN OF OXFORD**

Enacted  
09/20/2018

**TOBACCO USE ORDINANCE**

**TOWN OF OXFORD**  
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**A. Purpose.**

The purpose of this ordinance is to ban tobacco product use and smoking at the town's ballfields and beach area.

**B. Definitions:**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Electronic smoking device** means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.
2. **Smoking** means carrying or having in one's possession a lighted or heated cigarette, cigar or Pipe or a lighted or heated tobacco or plant product intended for human consumptions through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.
3. **Tobacco product** means any of the following:
  - a. A product containing, made, or derived from tobacco or nicotine that is intended for human consumptions, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff; or
  - b. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

**C. Tobacco use prohibited**

1. It shall be unlawful for any person to use tobacco products around the beach area, boat landing and ballfields at Pismo Beach or the ballfields on the Pottle Road.

2. Nothing in this section shall prohibit smoking on privately owned residential property.

**D. Enforcement**

The Oxford Police Department shall investigate and enforce the provisions contained in this section.

**E. Penalties.**

Prior to issuing a citation for violation of this section, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this Section, the court shall impose a fine of \$50.00 for the first offense, and any amount up to \$150.00 for any second or subsequent offenses. The municipality may be awarded reasonable attorney's fees and costs incurred in enforcing this section.

**F. Severability**

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.