

**AN ORDINANCE ADOPTING A NEW SECTION 32-105 OF THE NEWTON COUNTY
CODE REGULATING THE SALE OF NON-TRADITIONAL TOBACCO
PARAPHERNALIA AND USE OF E-CIGARETTES**

**THE BOARD OF COMMISSIONERS OF NEWTON COUNTY HEREBY
ORDAINS THAT:**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph III thereof, that the governing authority of the County has jurisdiction over public health services; and

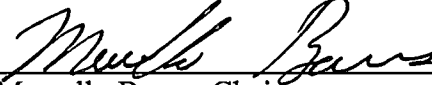
WHEREAS, the Board of Commissioners finds it is in the best interest of Newton County to regulate the sale of non-traditional tobacco paraphernalia and use of e-cigarettes within the unincorporated County in order to protect the health, safety, and welfare of the County and its residents;

NOW, THEREFORE:

1. Division II of the Code of Newton County, Georgia, as amended, is hereby amended by adopting as a new Section 32-105 the text contained in Exhibit "A," attached hereto and incorporated herein by reference.
2. All other conflicting ordinances and resolutions are hereby repealed.
3. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Adopted and approved by the Board of Commissioners this 1st day of May 2018.

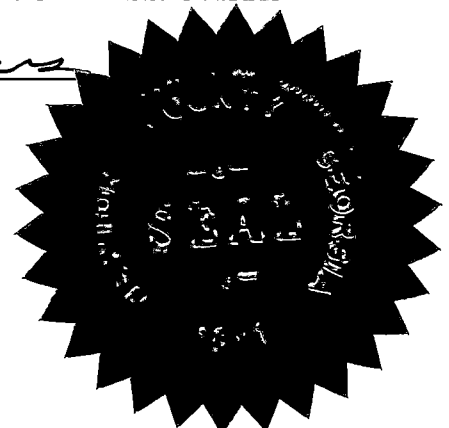
NEWTON COUNTY BOARD OF COMMISSIONERS



Marcello Banes, Chairman



Jackie Smith, County Clerk



Sec. 32-105. - Regulation of the sale of non-traditional tobacco paraphernalia and use of e-cigarettes.

Sec. 32-105-1. - Regulation of the sale of non-traditional tobacco paraphernalia.

(a) For the purposes of this section, the term “*non-traditional tobacco paraphernalia*” shall mean non-traditional instruments (such as bongos and hookah pipes) designed so as to facilitate the smoking, consumption or ingestion of tobacco leaf in any form, provided that the term “non-traditional tobacco paraphernalia” shall exclude cigarette papers or wrappers, blunt wraps, traditional tobacco pipes (such as brand names Briar and Meerschaum), holders, cigarette rolling machines, or other products, devices, or substances used for the purpose of making tobacco cigarettes or tobacco products in any form whatsoever.

(b) For the purposes of this section, the term “*person*” shall mean and refer to any individual, natural person, partnership, firm, corporation, joint venture, proprietorship, business entity, association, agency, group, organization or group of persons or any other entity.

(c) Any person who offers for sale any item of non-traditional tobacco paraphernalia shall, no later than December 31, 2018, and by December 31 of each year thereafter, apply to the Newton County Department of Development Services, Business License Office, for a non-traditional tobacco paraphernalia license and shall pay an annual license fee in an amount to be set by resolution of the Board of Commissioners, which fee amount shall remain in effect until modified or amended by subsequent resolution adopted by the Board of Commissioners. For the purposes of this section, every person who obtains such a license shall be referred to as a “licensee.”

(d) Each licensee shall maintain their entire inventory of non-traditional tobacco paraphernalia in a location with tobacco products for sale, or if no tobacco products are for sale, behind a counter and at least 10 feet from a window.

(e) Any person violating any of the provisions of this article shall, upon conviction before the county judge, be fined in an amount not to exceed \$1,000.00, by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment, up to the limits of any penalty provided by state law. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the County or to exempt anyone violating this code or any part of said laws from any penalty which may be incurred.

Sec. 32-105-2. - Prohibition on the use of e-cigarettes.

(a) The term “e-cigarette” or “electronic cigarette” shall mean any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, that provides a vapor of nicotine and/or other substances, 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. The term “vaping” shall mean the use or inhalation of an e-cigarette or electronic cigarette.

(b) Vaping is prohibited in all county government buildings but shall be allowed in the parking lot associated with or directly adjacent to any county government building.

(c) Any person violating any of the provisions of this article shall, upon conviction before the county judge, be fined in an amount not to exceed \$1,000.00, by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment, up to the limits of any penalty provided by state law. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the County or to exempt anyone violating this code or any part of said laws from any penalty which may be incurred.