

Race and Equity Pocket Questions

Title and purpose of this initiative: 2025 Ordinance Amendments

Department: Town Manager's Office / Recreation, Parks and Cultural Resources / Fire Department

What are the racial and equity impacts?

- **Town Property Alcohol Consumption Amendment**
 - Proposed amendment adds the Drakeford Library Complex to the list of Town properties where events including alcohol consumption may be held with Town approval pursuant to policies for reservation and use of the respective facilities. This expands the variety of events that Carrboro residents may be able to hold at the Drakeford specifically, while also providing additional available space overall.
- **Town Property Smoking and Vaping Amendment**
 - Proposed amendment adds new language regulating the use of smoking or vaping products in Town-owned buildings, vehicles, parks, and playgrounds. This revision adds additional specific language to the existing building and vehicle prohibitions for the use of electronic nicotine delivery systems, as well as a new section implementing similar language for outdoor properties. These revisions maintain the previous language under which the Town Manager may authorize the use of such products in limited areas both indoors and outdoors. These revisions are intended to regulate the use of nicotine products in spaces in which children, those with respiratory difficulties, and others may be present, particularly in outdoor recreational environments.
- **Fire Code Amendment**
 - Proposed amendment adds new language defining the process of submitting relevant fire inspections, tests, and maintenance to the Town and defines the circumstances which constitute violations of the Town's Fire Protection code. Additional language is added prohibiting unsanctioned outdoor burning, with explicit exceptions for cooking, recreation, and ceremonial flames.

The primary impacts of these changes lie in the additional requirements placed on residents to comply with the Fire Protection code, as well as the authority given to Fire Department officials to extinguish flames that are or may become hazardous. Permitted outdoor flames must abide by specific criteria listed in the changes or may be extinguished at the order of Fire Department officials.

Who is or will experience community burden?

- **Town Property Alcohol Consumption Amendment**
 - This amendment may place an additional burden on the operations of the Drakeford Library Complex as the space may now be reserved for events involving alcohol. This can create circumstances in which sections or the entirety of the library are made inaccessible to those who cannot legally consume, as well

as opening up the potential for damages caused by event participants under the influence. Additionally, event disruptions caused by alcoholic beverages may adversely impact the overall quality of events as well as the general atmosphere of the space and beyond. Consequently, residents and other visitors to the Library may have a lesser-quality experience and may be discouraged from utilizing the space regularly.

- **Town Property Smoking and Vaping Amendment**

- This amendment may create potential burden for residents and the Town as areas immediately beyond Town property may become de facto smoking zones, which can have cascading impacts on the quality of life in those areas that may lie on other public or private property. Additional impacts may arise individuals who use nicotine products in their various forms, potentially including those who would be considered addicted to nicotine. Limiting the areas in which they can engage in these products' usage may limit their ability to utilize or engage in public spaces that are otherwise open to residents, obligating users to go to different locations or the edge of town property to smoke or vape.

- **Fire Code Amendment**

- The potential burdens of these changes are multi-dimensional, with new responsibilities/authorities placed on Fire Department officials to regulate and control outdoor burning, as well as upon residents to comply with the ordinance. All residents who wish to use open flames while outdoors must adhere to the specified requirements. An example of the multi-dimensional impact may be found in the provisions outlining the necessary mechanisms for using a portable or fixed outdoor fireplace, with six separate conditions that must be met for the fireplace to not be considered open burning. These requirements may constitute burdens on residents to ensure they adequately comply.

Who is or will experience community benefit?

- **Town Property Alcohol Consumption Amendment**

- This amendment opens up the Drakeford Library Complex to events that involve alcohol, expanding availability of spaces for such events and providing opportunities for residents and other members of the public to make use of the public facilities.

- **Town Property Smoking and Vaping Amendment**

- This amendment seeks to improve the overall community experience on Town properties such as buildings, Town Commons, parks, and playgrounds through placing limitations on appropriate areas for use of nicotine products. These limitations would improve overall air quality in the respective areas, limiting exposure to carcinogens and irritants that may have outsized impacts on those with respiratory difficulties and other vulnerable populations.

- **Fire Code Amendment**

- The potential benefits of these changes lie in the additional clarity on what forms of open burning are permissible and under what circumstances. By laying out specific criteria that must be met, residents have explicit guidance on how to comply, while also providing officials with a 'checklist' to reference for a given

circumstance. This clarity can eliminate uncertainty and potential disparities in enforcement by providing explicit standards of practice.

The material benefits of these changes facilitate more regulated and safer outdoor burning, now limited to cooking, recreational, and ceremonial circumstances alone. This may have the effect of mitigating the number of uncontrolled flames within Town limits, with the associated risks to residents and their property.

What are the root causes of inequity?

- **Town Property Alcohol Consumption Amendment**
 - By adding the Drakeford Library Complex to the list of eligible event venues involving alcohol, this revision may impact the overall quality of the Drakeford space for individuals not participating in such events. If damages or other impacts on the space are incurred due to events involving alcohol consumption, the overall quality of the experience and utility of the space for all other members of the public may suffer.
- **Town Property Smoking and Vaping Amendment**
 - This amendment is a fundamentally exclusionary change to the Town code, which establishes barriers to the use of public Town property and facilities. While these barriers stand to benefit members of the public through improved air quality and the decreased presence of irritants that may impact those with respiratory difficulties, these revisions still necessarily impact how individuals make use of public property. Those who routinely smoke or vape, who may have a nicotine dependence of varying degrees, would be discouraged from these activities in a broader range of public spaces, including outdoor spaces where previously such activities were considered permissible.
- **Fire Code Amendment**
 - These changes make procedural and material changes to the enforcement of the Town's Fire Protection code, namely in defining what constitutes a violation and what constitutes open burning under Town ordinances. Consequently, these changes may now mark as violations behaviors that Town residents had engaged in prior to these amendments. Residents who may not have routine accessibility to the Town's ordinances by physical or digital means may therefore be unaware of these changes in regulation until a circumstance arises where they are asked to comply with an official order or are found in violation. The Town is therefore responsible for ensuring residents are adequately informed of changes to the Town Code regarding both enforcement and possible future penalties.

What might be the unintended consequences of this action or strategy?

- **Town Property Alcohol Consumption Amendment**
 - The addition of the Drakeford Library Complex to the list of eligible venues for events with alcohol consumption may lead to unintended damage of the space, necessitating cleaning or repairs that may impact others' experience of the building. Although current practice for the Century Center requires a certain level

of insurance for events to be approved, the potential for physical damages to the space remain. Additionally, potential disruptions from events involving alcohol may degrade overall user experience and may cause visitors who would otherwise make use of the Complex to go elsewhere. Time and space constraints would also place limitations on programming that does not involve alcohol as events must schedule around each other and broader availability.

- **Town Property Smoking and Vaping Amendment**

- Aside from setting exclusionary limits on where individuals may smoke or vape, this amendment has the potential to force users of these products into neighboring private or public areas, sidewalks, or roadways in order to smoke. This can lead to de facto smoking areas cropping up just beyond the limits of the designated town properties, where enforcement is technically beyond the scope of the ordinance. This in turn can have successive impacts for the air quality and potential for damaging irritants in areas just outside the jurisdiction of the ordinance, without the explicit consent of property owners or other individuals who find themselves in those areas.

- **Fire Code Amendment**

- The specificity of these changes in defining violations and open burning practices may lead to an increase in the number of calls placed to the Fire Department that constitute corrective or preemptive actions. This may produce negative and positive impacts alike. More calls from residents concerned with open flames in violation of the Code, or with the potential for personal or property damage, may reduce overall instances of fire related emergencies due to outdoor burning. At the same time, Fire Department officials may find they are being called by residents for open flames that are not in violation according to the letter of the ordinance, but which neighbors or others may consider to be personal nuisances.

How is your department planning to mitigate any burdens, inequities, and unintended consequences?

- **Town Property Alcohol Consumption Amendment**

- The Town should consider adopting similar rules and procedures for approving alcohol-consumption events for the Drakeford Complex as already exist for the Century Center and other locations. This will standardize the Town's approach to event venues while implementing the same liability, safety and property protections in order to preserve the quality of the space and beyond for all users.

- **Town Property Smoking and Vaping Amendment**

- The ordinance as written provides for the Town Manager to designate specific spaces, indoors, outdoors, and in vehicles alike, for the use of nicotine products. To mitigate the potential overflow of smoke or vapors into neighboring areas by total exclusion, explicit labeling of designated smoking areas would contain the impacts to specific, delineated boundaries. This would also allow users to remain on Town properties rather than excluding them from otherwise common areas.

- **Fire Code Amendment**

- The Fire Department may mitigate the potential burdens or unintended consequences of these proposed changes through comprehensive resident

education through digital or physical means. This may include social media, press releases, or mailers, with the unifying goal of providing residents with a basic understanding of the revised ordinance's impact, the reasons for the revisions, and how to maintain compliance.

Additionally, as currently proposed, violations of the open burning provisions do not incur a penalty, with the new language primarily serving as guidance on best practices for public safety. This mitigates the impact compliance actions could have on the financial or legal concerns of residents, and allows the Department to facilitate a more educational approach with the ordinance rather than punitive.