

the health, safety, and welfare of its citizens by prohibiting the use of Vapor-Generating Electronic Devices in County parks, County recreation centers, and any other County Property where children regularly congregate.

SECTION 2: Definitions.

(a) "Vape" or "Vaping" means to inhale or exhale vapor produced by a Vapor-Generating Electronic Device or to possess a Vapor-Generating Electronic Device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a vapor product containing nicotine or any other substance.

(b) "Vapor-Generating Electronic Device" means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a vapor product containing nicotine or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container or cartridge of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. This term specifically does not apply to any vapor producing device manufactured and intended for use as a medical device for the treatment of pulmonary or respiratory conditions or ailments.

SECTION 3: Vaping or Use of Vapor-Generating Electronic Devices Prohibited in Certain Areas.

(a) A person may not Vape or otherwise use a Vapor-Generating Electronic Device on the grounds of any County playground, County park, County recreation center, or any other County Property where children regularly congregate, regardless of whether it is inside a structure or outdoors. County Property means property owned, leased, or operated by Charlotte County.

SECTION 4: Enforcement. Administrative and Criminal Enforcement Authority.

- (a) Pursuant to Chapter 162, Florida Statutes, and Charlotte County Code of Laws and Ordinances Chapter 1-1-15, any State or County law enforcement officer shall have discretion to issue a Civil Citation or a Notice to Appear for a violation of this section if the law enforcement officer has reasonable cause to believe that a person violated this section.
- (b) For this section, law enforcement officers shall be deemed "code enforcement officers" within the meaning of Section 162.21, Florida Statutes and Charlotte County Code of Laws and Ordinances Chapter 1-1-15.
- (c) A law enforcement officer enforcing a violation of this section may issue a citation for a first and second violation within a one-year period. A Notice to Appear may be issued for any third, or subsequent, violation of this section within a one-year period.
- (d) Civil Citations or Notices to Appear issued under this section shall contain all information required by Chapter 162, Florida Statutes and Charlotte County Code of Laws and Ordinances Chapter 1-1-15.
- (e) Fines for violations and repeat violations of this section shall be established by a resolution of the Board of County Commissioners.

2. CODIFICATION. It is the intention of the Board of County Commissioners of Charlotte County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Charlotte County, Florida, Code of Ordinances that the sections of the ordinance may be renumbered or lettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or "article" or other appropriate designation.

3. SEVERABILITY. If any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

4. EFFECTIVE DATE. The effective date shall be as provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 11th day of February, 2020.


BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:  _____
Janette S. Knowlton, County Attorney
LR19-0688  _____