1	ORDINANCE		
2	NUMBER 2020-		
3 4 5 6 7 8 9 10 11	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-3 OF THE CODE OF LAWS OF CHARLOTTE COUNTY, FLORIDA, TO PROHIBIT VAPING IN CERTAIN AREAS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.		
12	RECITALS		
13	WHEREAS, pursuant to Article 8 of the Florida Constitution and Section 125.66		
14	Florida Statutes, Charlotte County possesses the police power to enact ordinances to		
15	protect the health, safety, and welfare of the County's citizens; and		
16	WHEREAS, the United States Centers for Disease Control and Prevention has		
17	reported an outbreak of lung injuries associated with the use of E-Cigarette, or Vaping		
18	products; and		
19	WHEREAS, the State of Florida Department of Health reported 110 cases of lung		
20	injuries and 2 deaths attributable to E-Cigarette or Vaping product use; and		
21	WHEREAS, the Charlotte County Board of County Commissioners has		
22	determined that prohibiting vaping in County playgrounds, County parks, County		
23	recreation centers, and any other County Property where children regularly congregate		
24	will serve to promote and protect the general health, safety, and welfare of the citizens o		
25	Charlotte County.		
26	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY		
27	COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA:		
28	1. Section 2-3, Article VI of the Charlotte County Code of Ordinances is hereby		
29	amended. The provisions of this Ordinance shall become and be made a part of the Cod		
30	of Laws and Ordinances of Charlotte County, Florida, and the sections of this Ordinance		
31	may be renumbered to accomplish such intention.		
32	SECTION 1: Intent.		
33	It is the intent of the Charlotte County Board of County Commissioners to protec		

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.

- 63 (a) Pursuant to Chapter 162, Florida Statutes, and Charlotte County Code of
 64 Laws and Ordinances Chapter 1-1-15, any State or County law enforcement
 65 officer shall have discretion to issue a Civil Citation or a Notice to Appear
 66 for a violation of this section if the law enforcement officer has reasonable
 67 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.
- 93 4. EFFECTIVE DATE. The effective date shall be as provided by law.

[SIGNATURE PAGE FOLLOWS]

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96	PASSED AND DULY ADOPTED this 11th day of February, 2020.		
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98		BOARD OF COUNTY COMMISSIONERS	
99		OF CHARLOTTE COUNTY, FLORIDA	
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101			
102		By:	
103	•	William G. Truex, Chairman	
104			
105	ATTEST:		
106	Roger D. Eaton, Clerk of the Circuit Co	urt	
107	and Ex-Officio Clerk of the		
108	Board of County Commissioners		
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110			
111	By:		
112	Deputy Clerk		
113			
114		APPROVED AS TO FORM	
115		AND LEGAL SUFFICIENCY:	
116			
117		By Janeth S. Kurvell	
118		By fanelle > privous	
119		Janette S. Knowlton, County Attorney	
120		LR19-0688	
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