

VAPE (E-CIGARETTE) ORDINANCE

Ordinance No. 407

Definitions.

Minor means an individual who is less than eighteen (18) years of age.

Electronic cigarette (E-cigarette) means an electronic or battery-operated device, whether or not such device is shaped like a cigarette, that uses an atomizer, aerosol or similar device that allows users to inhale nicotine vapor or flavored vapor, without fire, smoke or ash. An electronic cigarette includes but is not limited to any electronic nicotine delivery system, electronic vaping device, personal vaporizer, electronic pipe, electronic hookah, or vapor pen.

Person who sells E-cigarettes at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco and E-cigarettes.

Public place means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, food service establishments, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility required to be licensed by the state.

School means any school building or property owned, occupied or otherwise used by a school within the city.

Prohibited Conduct

- (1) It shall be unlawful for a minor to purchase an E-cigarette.
- (2) It shall be unlawful for a minor to possess an E-cigarette.
- (3) It shall be unlawful for a minor to use an E-cigarette in a public place.
- (4) It shall be unlawful for a minor to possess or use an E-cigarette in any school building or on property owned, occupied or otherwise used by any school within the city.
- (5) It shall be unlawful to sell an E-cigarette to a minor.
- (6) It shall be unlawful for any person who owns, manages, operates or otherwise controls a public place to allow a minor to use an E-cigarette on such premises.

Enforcement

Any violation of this ordinance is a misdemeanor, punishable upon conviction thereof as provided in section 1-13 of this Code.

Adopted July 9, 2018