

ORDINANCE NO. 2020-____

AN ORDINANCE TO ADOPT PROVISIONS REGARDING VAPING.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS, THAT:

Section 1: Title. This Ordinance shall be known as the Vaping Ordinance of 2020.

Section 2: Purpose. The City Council finds that: the prevalence of use of vaping or e-cigarette products by minors presents a real public health risk; that the juvenile courts are overwhelmed and do not have the resources to address the situation; that current state law prohibits the possession and use of such products by minors; and, that this Ordinance will allow the District Court to address such violations.

Section 3: Section 7.40.08 Amended. Section 7.40.08 of the Bryant Municipal Code is amended to add a new definition to read as follows:

Vaping product means a vapor product, alternative nicotine product, e-liquid product, or any component of a vapor product, alternative nicotine product, or eliquid product.

Section 4: Chapter 7.40 – Regulation of Smoking Amended. Chapter 7.40 of the Bryant Municipal Code is amended by adding in the following sections that read as follows:

Section 7.40.12: a) It is unlawful for any person to knowingly breathe, inhale or drink any compound, liquid or chemical listed within this Ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual, or mental process.

b) It is unlawful for a minor to: 1. Use or possess or to purchase, or attempt to purchase a vaping product; 2. For the purpose of obtaining or attempting to obtain a vaping product in any form, to represent themselves to be twenty-one (21) years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the minor's age.

c) Any vaping product found in the possession of a minor may be confiscated and destroyed by a law enforcement officer.

d) It is unlawful for any person to smoke tobacco, use tobacco or tobacco products, or use a vaping product:

1. In or on real property owned or leased by a public school district; or
2. In or on personal property, including without limitation school buses, owned or leased by a public school district..

Section 5: Chapter 7.40 – Regulation of Smoking Amended. Chapter 7.40 of the Bryant Municipal Code is amended by adding in the following sections that read as follows:

Section 7.40.13 - Fines

a) Any person found to be in violation of Section 7.40.12 (a) will be guilty of a misdemeanor and subject to a fine of not less than one hundred fifty dollars (\$150.00) and not to exceed three hundred dollars (\$300.00) for a first offense or up to double that sum for each repetition of such offense. In the event the violation would also be punishable by state law, a term of imprisonment consistent with the comparable state legislation may be imposed by the court.

b) Any person found to be in violation of Section 7.40.12(d) commits a violation punishable by a fine of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00) for a first offense or up to double that sum for each repetition of such offense.

Section 6: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section 7: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section 8: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Section 9: Emergency Declared. This Ordinance is necessary to preserve the public peace, health, safety and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

Passed and Approved this _____ day of _____ 2020.

Mayor

ATTEST:

City Clerk