ORDINANCE #7 OF 2022

AN ORDINANCE TO ADOPT PROVISIONS REGARDING VAPING

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAUXITE, ARKANSAS:

Section 1: Title: This Ordinance shall be known as the Vaping Ordinance of 2022

Section 2: Purpose.

The City Council finds that: the prevalence and 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: Bauxite Municipal Code is amended to include the following definition:

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: Bauxite municipal code is amended to include the following:

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: Fines. Bauxite municipal code is amended to include the following fines:

a. Any person found to be in violation of this ordinance 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 4 (d) of this Ordinance 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 thereafter.

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or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed or amended to remove such conflict.

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 this 20th day of June, 2022

Passed and approved by the Town Council on 20th day of June, 2022 — 1st Reading
Passed and approved by the Town Council on 20th day of June, 2022 — 2nd Reading
Passed and approved by the Town Council on 20th day of June, 2022 — 3rd Reading

APPROVED:

Eddie Jones, Mayor

ATTEST:

Renee Chastain, Recorder/Treasurer