



Legislation Text

File #: 14-0860, **Version:** 3

Ordinance - Third and Final Reading of an Ordinance Amending Regulations of Smoking in Chapter 92, "Health and Sanitation" of the Mansfield Code of Ordinances by Adding Definitions for "Electronic Vaping Device" and "Liquid Nicotine;" Amending the Definition of "Smoking" to Include Electronic Vaping Devices; Prohibiting Smoking at City Parks or Recreational Facilities; Prohibiting the Sale and Distribution of Electronic Vaping Devices and Liquid Nicotine to Minors; and Prohibiting the Possession of Electronic Vaping Devices and Liquid Nicotine by Minors

Consider the proposed ordinance amendments

Staff recommends approval

Third Reading

The ordinance amendment was tabled at the last meeting pending a redraft of the smoking restriction applicable to city park and recreation facilities operated by third parties. Allen Taylor modified the applicable exception to as shown below.

(5) A city park and/or public recreational facility that is operated by the governmental unit or that is leased to or operated by an outside private entity via a contract or agreement with the governmental entity may choose to designate an unenclosed area within the facility as a permitted smoking location. The area shall not be enclosed, not located within 30 feet of a playground or seating area, not located within 30 feet of a door, operable window/vent or other opening to an enclosed area and not a part of an athletic field or dugout. The operator or manager of the facility may choose to prohibit smoking at the facility at the discretion of the operator or manager. It shall be the duty of the operator or manager to either clearly mark the designated smoking area or to provide notice that smoking will not be permitted on the entire premises

Third Reading

Per Craig Magnuson's comments, the following paragraph is added to the exception clause:

(4) A person is exempt from the non-smoking provisions set forth above if the use of an electronic vaping device is at the direction or under a prescription issued by a licensed physician authorized to prescribe such devices for the treatment of medical conditions.

It is intended to address the use of nebulizers or vaporizers that are prescribed for breathing treatment

First Reading

Summaries of the proposed amendments:

- Add electronic vaping device to the definition of "Smoking"
- Add new definition related to electronic vaping device and liquid nicotine
- Add outdoor theater or amphitheater, city park or recreational facilities to prohibited smoking areas

- Other minor changes for consistency

Felix Wong, Director of Planning
817-276-4228