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ORDINANCE NO. 2022-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE; AMENDING CHAPTER 22 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "PARKS AND RECREATION" TO ADD A NEW SECTION 22-47 TO PROHIBIT SMOKING AND THE USE OF VAPOR-GENERATING ELECTRONIC DEVICES WITHIN THE BOUNDARIES OF TOWN-OWNED PUBLIC PARKS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Legislative Findings. The Town Council of the Town of Windermere hereby makes and declares the following findings and statements of legislative intent:

1. Senate Bill 224 and House Bill 105 were filed in the Florida Legislature for the 2022 Legislative Session to allow municipalities to restrict smoking and the use of vapor-generating electronic devices within the boundaries of public beaches and public parks within their jurisdiction.

2. The law was presented to the Governor, was approved on June 24, 2022, and signed into law as Chapter No. 2022-213, Laws of Florida.

3. The House of Representatives staff analysis published for House Bill 105 references various studies from United Health Foundation, America's Health Rankings, the Centers for Disease Control and Prevention, and others on the impact tobacco-smoking has on the health of citizens.

4. The staff analysis provides that in 2021, an estimated 15.5 percent of the adults in Florida were tobacco smokers and that tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer.

5. More than 480,000 deaths annually in the United States are caused by cigarette smoking, and an estimated 41,000 deaths annually are caused by exposure to secondhand smoke, which is defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker.

6. The staff analysis further states that exposure to secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases and that studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking.

7. For the health, safety and welfare of its residents, the Town Council hereby prohibits smoking and the use of vapor-generating electronic devices in town-owned public parks.

47 **Section 2. Amendment to the Town’s Code of Ordinances.** A new Sec. 22-47 is added to
48 Article III of Chapter 22 of the Town’s Code of Ordinances to read as follows:

49 **Sec. 22-47. Prohibition of smoking and the use of vapor-generating electronic**
50 **devices in town parks.**

51 (a) Definitions. The following terms are hereby defined for the purpose of this
52 section:

53 (1) Smoking means inhaling, exhaling, burning, carrying, or possessing any
54 lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any
55 other lighted product.

56 (2) Vapor-generating electronic devices means any product that employs an
57 electronic, a chemical, or a mechanical means capable of producing vapor or
58 aerosol from a nicotine product or any other substance, including, but not
59 limited to, an electronic cigarette, electronic cigar, electronic cigarillo,
60 electronic pipe, or other similar device or product, any replacement cartridge
61 for such device, and any other container of a solution or other substance
62 intended to be used with or within an electronic cigarette, electronic cigar,
63 electronic cigarillo, electronic pipe, or other similar device or product.

64 (b) Prohibition. The town prohibits smoking and the use of vapor-generating
65 electronic devices in town-owned public parks as authorized by Chapter No.
66 2022-213, Laws of Florida.

67 (c) Exception. The prohibition in this section does not apply to unfiltered cigars.

68 **Section 3. Codification.** Section 2 of this Ordinance shall be codified and made part of the
69 Town of Windermere Code of Ordinances.

70 **Section 4. Conflicts.** In the event of a conflict or conflicts between this ordinance and other
71 ordinances, this ordinance controls to the extent of the conflict.

72 **Section 5. Severability.** The provisions of this Ordinance are declared to be separable and if
73 any section, paragraph, sentence or word of this Ordinance or the application thereto any person
74 or circumstance is held invalid, that invalidity shall not affect other sections or words or
75 applications of this Ordinance. If any part of this Ordinance is found to be preempted or
76 otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent
77 permitted by the severance of such preempted or superseded part.

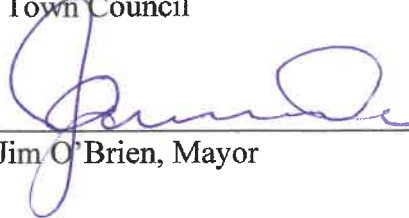
78 **Section 6. Effective Date.** This Ordinance shall become effective upon adoption at its second
79 reading.

80 **ENACTED** this _____ day of _____, 2022, at a regular meeting of the Town
81 Council of the Town of Windermere, Florida.


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Town of Windermere, Florida
by: Town Council

by: 
Jim O'Brien, Mayor

Attest:


Dorothy Burkhalter, MMC, FCRM
Town Clerk

First reading: August 9, 2022
Second reading:
Advertised: September 1, 2022



Serial Number
22-03306W

WEST ORANGE Times

West Orange Times
Published Weekly
Winter Garden , Orange County, Florida

COUNTY OF ORANGE

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden , Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on September 13, 2022 Ordinance 2022-08

in the Court, was published in said newspaper by print in the issues of 9/1/2022

Affiant further says that the West Orange Times complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

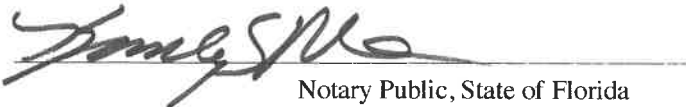


Lindsey Padgett

Sworn to and subscribed, and personally appeared by physical presence before me,

1st day of September, 2022 A.D.

by Lindsey Padgett who is personally known to me.



Notary Public, State of Florida
(SEAL)



Kimberly S. Martin
Comm.: HH 282034
Expires: July 25, 2026
Notary Public - State of Florida

REC'D SEP 06 2022

NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2022-08
The Town of Windermere, Florida, proposes to adopt Ordinance 2022-08. The Town Council of Windermere, Florida, will hold a public hearing at the Town Hall located at 520 Main Street, Windermere, Florida, on Tuesday, September 13, 2022 at 6:00 P.M. (or as soon thereafter as the matter may be considered) to hold a public hearing on and to consider passage of the proposed Ordinance 2022-08, the title of which reads as follows:

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE; AMENDING CHAPTER 22 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "PARKS AND RECREATION" TO ADD A NEW SECTION 22-47 TO PROHIBIT SMOKING AND THE USE OF VAPOR-GENERATING ELECTRONIC DEVICES WITHIN THE BOUNDARIES OF TOWN-OWNED PUBLIC PARKS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.
Interested parties may appear at the meeting and be heard with respect to the proposed annexation.

This ordinance is available at the Town Clerk's Office, 614 Main Street, Windermere, Florida, for inspection. Due to Covid-19, in person appointments are required. Please contact Dorothy Burkhalter, Town Clerk, Town of Windermere, at 407-876-2563, ext. 5323 for an appointment or if there are any questions/concerns.

Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meeting.

Persons are advised, pursuant to Section 286.0105 of the Florida Statutes, that, if they decide to appeal any decision made by the Town Council at this public hearing, they may need to ensure that a verbatim record of the proceeding is made, which record should include testimony and evidence upon which an appeal is based.
September 1, 2022 22-03306W