

ORDINANCE NO. 2026-005

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE CODE OF ORDINANCES CHAPTER 14, "PARKS AND RECREATION", ARTICLE II, "PARK RULES AND REGULATIONS", TO CREATE A NEW SECTION OF THE TOWN CODE ENTITLED "PUBLIC SMOKING AND VAPING PROHIBITION"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat; and

WHEREAS, secondhand smoke exposure is harmful and widespread; and

WHEREAS, there is emerging evidence that exposure to the aerosol produced by a vapor-generating electronic device may be harmful; and

WHEREAS, tobacco waste is a major, consequential, and persistent source of litter; and

WHEREAS, cigarette butts, smokeless tobacco, and vapor-generating electronic devices pose a health threat of poisoning to young children; and

WHEREAS, Florida cities and counties have legal authority to adopt local laws that prohibit smoking in public parks pursuant to Sec. 386.209, Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1. Recitals Adopted. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

SECTION 2. Amendment. A new Section of the Code of Ordinances of the Town is hereby created as follows:

Sec. 14-37. Smoking and Vaping Prohibited in Outdoor Areas in Town Parks.

(a) It shall be unlawful for any person to smoke cigarettes, filtered cigars, pipes, use electronic vaporizers, or any other smoking apparatus or vaping device on playing fields and playgrounds, around sports seating areas, spectator areas, restrooms,

or any other areas not specifically designated as a permitted smoking area within any park owned and operated by the Town of Southwest Ranches. All designated smoking areas will be specifically demarcated by signs stating that "smoking is permitted in this area."

(b) Any person who violates this ordinance shall be subject to a civil fine of one hundred dollars (\$100.00) for the first violation and two hundred fifty dollars (\$250.00) fine for subsequent violations. Any refusal by an individual to comply with this section may result in a notice to appear (NTA) being issued by a law enforcement officer and/or removal from the park.

(c) All NTAs will be filed in the Broward County Court Criminal Division.

(d) Any appeals of a civil fine shall be filed with the special magistrate for the Town of Southwest Ranches and shall be governed by the rules set forth by the special magistrate.

(e) Exemption. The following smoking apparatuses are exempt:
(1) Unfiltered cigars.

(f) As used in this Section, the following words and phrases have the meanings defined in this Section unless the context clearly requires otherwise:

- (1) "Vapor Generating Electronic Device" means an electronic device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e cigarette, e cigar, e pipe, vape pen, or e hookah.
- (2) "Park" means all public property specifically designated as being used for outdoor recreational or park purposes and where children regularly congregate. "Outdoor recreational or park purposes" includes, but is not limited to, boating, golfing, camping, swimming, horseback riding, and archaeological, scenic, or scientific sites, and applies only to land that is open to the general public.
- (3) "Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted or heated tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted or heated tobacco product, whether natural or synthetic. For the purposes of this policy only, smoking does not include the use of unfiltered cigars pursuant to Florida Statute 386.209.
- (4) "Tobacco Product" means:
 - (a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled,

absorbed, or ingested by any means, including but not limited to a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus.

(b) Any vapor generating electronic device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine.

(c) Any component, part, or accessory of (a) or (b), whether or not it contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

(5) "Tobacco Product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(6) "Tobacco Product Waste" means any material that is left over and regularly intended to be discarded after the use or consumption of a tobacco product. Tobacco Product Waste includes, but is not limited to, discarded cigarette butt filters, cigar or cigarillo tips, cigarette packs, cigar or cigarillo wrappers, vapor generating electronic devices of all types, vapor generating electronic device cartridges or refill containers, plastic packaging, foil, or other disposable tobacco product remnants or packaging.

(7) "Vape" or "Vaping" means to inhale or exhale vapor produced by a vapor generating electronic device, or to possess a vapor generating electronic device while that device is actively employing an electronic, chemical, or mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor generating electronic device

SECTION 3. Inclusion in the Code. This Ordinance shall be codified and included as part of the Town's Code of Ordinances. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any word, phrase, clause, sentence or section of this

Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

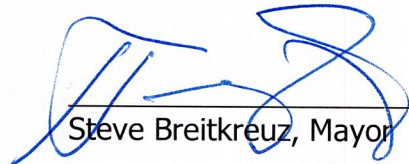
SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING this 26th day of March, 2026 on a motion made by Vice Mayor Jablonski and seconded by Council Member Kuczenski.

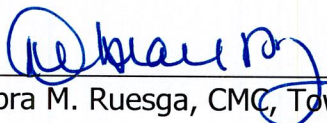
PASSED ON SECOND READING this 9th day of April, 2026 on a motion made by C/M KUCZENSKI and seconded by V/M JABLONSKI.

Breitkreuz	<u>YES</u>
Jablonski	<u>YES</u>
Allbritton	<u>YES</u>
Hartmann	<u>YES</u>
Kuczenski	<u>YES</u>

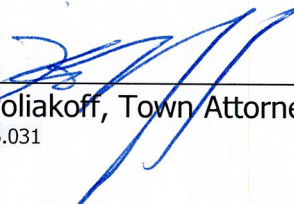
Ayes	<u>5</u>
Nays	<u>/</u>
Absent	<u>/</u>
Abstaining	<u>/</u>


Steve Breitkreuz, Mayor

Attest:


Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, Town Attorney
1001.2026.031