



AGENDA

CITY COUNCIL MEETING - REGULAR SESSION-

MONDAY, JUNE 03, 2024 at 9:00 AM

Bonifay City Hall Council Meeting Room – 301 J Harvey Etheridge St.

I. CALL TO ORDER

A. Invocation

B. Pledge of Allegiance

II. APPROVE AGENDA

III. APPROVE MINUTES

A. Approve Minutes of Public Hearing on Ordinance No. 2024-05 and Ordinance No. 2024-06

B. Approve Minutes of Regular Session May 20, 2024

IV. APPROVE ACCOUNTS PAYABLE / TRANSFERS / FINANCIAL SHEETS TO REVIEW

V. VISITORS – PUBLIC ADDRESSING THE COUNCIL

NON- AGENDA AUDIENCE

Effective October 1, 2013, Florida Statute 286.0114 mandates that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.” Each individual shall have three (3) minutes to speak on the proposition before the Board. . THIS IS NOT A QUESTION AND ANSWER SESSION. It is NOT a political forum, nor is it a time for personal accusations and derogatory remarks to/or about City personnel. Those who wish to speak are reminded to observe proper decorum, and to avoid the use of profane or vulgar language. If you would like to address the City Council please come to the podium, state your name and address for the record

VI. PLANNING & ENGINEERING

VII. OLD BUSINESS

VIII. NEW BUSINESS

A. Holmes County Health Department SWAT

[B.](#) Ordinance 435 - Tobacco Free Parks

IX. COUNCIL / DEPARTMENT SUPERVISORS / CITY ATTORNEY DISCUSSION

Items not listed on Formal Agenda.

A. Council Updates

B. Department Updates

C. Employee Spotlight

X. ADJOURN

Persons with disabilities needing special accommodations to participate in this proceeding should contact City Hall at (850) 547-4238, at least five days prior to the proceedings.



MINUTES

CITY COUNCIL SPECIAL SESSION PUBLIC HEARING FOR ORDINANCE #2024-05 AND #2024-06-

MONDAY, MAY 20, 2024 at 5:30 PM

Midtown Plaza, 401 McLaughlin Ave. Bonifay, FL 32425

I. CALL TO ORDER

Mayor Cook called the meeting to order and opened Public Hearing for Ordinance 2024-05 and Ordinance 2024-06 at 10:00 am.

PRESENT

Mayor Larry Cook
Council Member James Sellers
Council Member Shelley Carroll
Council Member Rick Crews
Council Member Eddie Dixon

A. John Feeney:

Information regarding Ordinance #2024-05:

AN ORDINANCE OF THE CITY OF BONIFAY, FLORIDA, AMENDING THE CHARTER AND ORDINANCES OF THE CITY OF BONIFAY TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF BONIFAY, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY (BONIFAY MHP) BEING SITUATED IN HOLMES COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Information regarding Ordinance #2024-06

AN ORDINANCE OF THE CITY OF BONIFAY, FLORIDA, AMENDING VOLUME III OF THE CITY OF BONIFAY YEAR 2010 COMPREHENSIVE PLAN FUTURE LAND MAP SERIES, AS AMENDED; AMENDING CHAPTER 2, "FUTURE LAND USE ELEMENT." PROVIDING FOR AN AMENDMENT TO THE YEAR 2010 FUTURE LAND

USE MAP, AS AMENDED, CHANGING THE FUTURE LAND USE CATEGORY OF TWO PARCELS, LOCATED ON E. HWY 90, FROM RURAL RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO URBAN MIXED TOTALING 31.37 (+/-) ACRES IN SECTION 6, TOWNSHIP 4 NORTH, RANGE 14 WEST, PARCEL NUMBERS 0606.01-000-000-001.200 AND 0606.01-000-000-001.000; PROVIDING FOR SEVERABILITY; PROVIDED FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

City Planner John Feeney read the heading for Ordinance 2024-05.

Richard Willsey asked why it is necessary that this property needs to be annexed into the City.

Feeney advised that this would prevent having to get a Development Order from the County and the City, and that the owner requested it be annexed. Feeney also advised that the County is about to change their Ordinance to where they will not allow the City to extend services outside the City limits.

Willsey also asked about the property being covered in the City Municipal Services Zone.

Feeney advised that part of the property is, and part of it is not, but will be with the annexation.

Feeney read the heading to Ordinance 2024-06.

Joe Lollino asked what is the benefit to the City in annexing this property.

Feeney stated it raises the taxable value, it looks much better, and the Owner requested it be annexed into the City.

II. ADJOURN

Motion made to close Public Hearing and adjourn meeting by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

Mayor Cook declared the meeting adjourned at 5:39 pm.

Persons with disabilities needing special accommodations to participate in this proceeding should contact City Hall at (850) 547-4238, at least five days prior to the proceedings.



MINUTES

CITY COUNCIL MEETING - REGULAR SESSION-

MONDAY, MAY 20, 2024 at 6:00 PM

Bonifay City Hall Council Meeting Room – 401 McLaughlin Ave, Bonifay, FL 32425

I. CALL TO ORDER

Mayor Larry Cook called the meeting to order at 6:00 pm.

PRESENT

Mayor Larry Cook
Council Member James Sellers
Council Member Shelley Carroll
Council Member Rick Crews
Council Member Eddie Dixon

Also present:

City Clerk Rickey Callahan, City Attorney Jon Holloway, Deputy Clerk Tracy Walker, Executive Assistant Sierra Smith, Chief Plant Operator Matt Perry, Chief of Police Johnny Whitaker, and Fire Chief Travis Cook.

A. Invocation

Executive Assistant Sierra Smith gave invocation.

B. Pledge of Allegiance

Executive Assistant Sierra Smith led the Pledge of Allegiance.

II. APPROVE AGENDA

Motion made to approve the agenda by Council Member Dixon, Seconded by Council Member Crews.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

III. APPROVE MINUTES

A. May 6th, 2024, Meeting Minutes

Motion made to approve the minutes of May 6, 2024 by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

IV. APPROVE ACCOUNTS PAYABLE / TRANSFERS / FINANCIAL SHEETS TO REVIEW

Motion made to approve Accounts Payable, Transfers, and Financial Sheets by Council Member Carroll, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

V. VISITORS – PUBLIC ADDRESSING THE COUNCIL

NON- AGENDA AUDIENCE

Effective October 1, 2013, Florida Statute 286.0114 mandates that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.” Each individual shall have three (3) minutes to speak about the proposition before the Board.. THIS IS NOT A QUESTION-AND-ANSWER SESSION. It is NOT a political forum, nor is it a time for personal accusations and derogatory remarks to/or about City personnel. Those who wish to speak are reminded to observe proper decorum, and to avoid the use of profane or vulgar language. If you would like to address the City Council please come to the podium, state your name and address for the record

Richard Willsey addressed the council about the March 4th Planning Board minutes and Council meeting notices.

VI. PLANNING & ENGINEERING

A. John Feeney City Planner

ACTION BY COUNCIL TO ADOPT ORDINANCE NO. 2024-05

ACTION BY COUNCIL TO ADOPT ORDINANCE NO. 2024-06

Motion made to approve final reading and adoption of annexation Ordinance 2024-05, by roll call vote, by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

Motion made to approve final reading and adoption of Land Use Amendment Ordinance 2024-06, by roll call vote, by Council Member Dixon, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

B. Capacity Fee Study - Florida Rural Water Association

Katherine Van Zant, Florida Rural Water Association, presented a Capacity Fee Study for new users to the Council Members.

VII. OLD BUSINESS

A. Public Works Director Hire

Motion made to hire Aaron Taylor for the Public Works Director position by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

B. Ordinance 2024-07

Motion made to approve the final reading and adoption, by roll call vote, of Ordinance 2024-07 relating to membership into the Florida Retirement System for police officers by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

C. Ordinance 2024-08

Motion made to approve the final reading and adoption, by roll call vote, of Ordinance 2024-08 relating to membership in the Florida Retirement System for general employees by Council Member Crews, Seconded by Council Member Dixon.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

VIII. NEW BUSINESS

A. Chief Johnny Whitaker

Police Chief Johnny Whitaker presented the American Police Hall of Fame Purple Heart to former Bonifay Police Officer Steven Lee; highlighting his bravery and resilience.

This award is given to officers who are injured or disabled while performing their duties and meet specific criteria, including seeking professional medical attention and being out of work for at least one week.

The incident—which occurred on March 27, 2004—left Lee injured but his recovery and dedication to service were recognized by his peers and superiors.

Mr. Charles Flowers stated that he appreciated Mr. Lee and we should all respect him for his actions.

IX. COUNCIL / DEPARTMENT SUPERVISORS / CITY ATTORNEY DISCUSSION

Items not listed on Formal Agenda.

A. Council Updates

B. Department Updates

Chief Plant Operator Matt Perry told the Council Members that Well #4 disassembly started on Saturday.

Mayor Cook asked what the rain fall totals were, and Perry said Friday thru Sunday there was 4.38 inches, and over 10 inches of rain had fallen at the WWTP in the last 7 days.

C. Employee Spotlight

X. ADJOURN

Motion made to adjourn meeting by Council Member Crews, Seconded by Council Member Sellers.

Voting Yea: Mayor Cook, Council Member Sellers, Council Member Carroll, Council Member Crews, Council Member Dixon

Mayor Cook declared the meeting adjourned at 6:40 pm.

Persons with disabilities needing special accommodations to participate in this proceeding should contact City Hall at (850) 547-4238, at least five days prior to the proceedings.



City Council
Agenda Form

Meeting Date: August 28, 2023

Department: Parks & Recreation

Public Hearing: 2 Readings
☐ YES ☐ NO

For Clerk's Use Only
AGENDA ITEM #

Consent Agenda	Regular Agenda	Closed Session

Presenter: Holmes County Health Department

Request Type: ☐ Informational ☐ Discussion ☒ Action Item

Does this item require legal review? ☐ YES ☐ NO LEGAL REVIEW COMPLETED BY M.B.J.

City Attorney e-mail attached? ☐ YES ☐ NO

Agenda Item Title:

Attachment(s): Tobacco Free Parks Ordinance

Brief Summary:

The Holmes County Health Department is requesting the City adopt a Tobacco-Free Parks Ordinance.

Action Requested of Council:

Take action to move to Approve Ordinance

ORDINANCE NO. 435**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS WITHIN THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Bonifay, Florida (the "City") is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, under section 386.209, Florida Statutes, the State legislature preempted the regulation of smoking to the State which prohibited municipalities and counties from regulating smoking within local parks; and

WHEREAS, effective July 1, 2022, the Florida legislature amended section 386.209, Florida Statutes, to allow municipalities to restrict smoking within the boundaries of public parks that are owned by such municipalities, except that they may not restrict the smoking of unfiltered cigars; and

WHEREAS, as noted in the reports cited in the staff analysis for HB 105 (2022) which amended section 386.209, Florida Statutes (and which are incorporated herein by reference), secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases; and

WHEREAS, various articles have reported that electronic smoking devices emit secondhand aerosol which contain nicotine, ultrafine particles and low levels of toxins that are known to cause cancer; and

WHEREAS, the City Council finds that the harmful impact of cigarette butts, secondhand smoke and secondhand aerosol at the City's parks are detrimental to park users and should be banned to the greatest extent allowed by law; and

WHEREAS, the City Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA:

SECTION 1. FINDINGS

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone¹;

¹U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf.

- Tobacco use causes disease in nearly all organ systems and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths in the United States²;
- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly \$300 billion annually³;
- Despite significant progress, tobacco use remains the leading cause of preventable death and disease in the United States⁴;
- Specifically, in Florida, 29.4% of cancer related deaths are attributable to smoking.⁵
- Electronic vapor products have been found to contain nicotine, lead, formaldehyde, and thousands of other chemicals. These products damage DNA and harm parts of the brain responsible for learning and mental health.⁶

WHEREAS, secondhand smoke exposure is harmful and widespread, as evidenced by the following:

- Children exposed to secondhand tobacco smoke have an increased risk of sudden infant death syndrome, asthma, physical and cognitive developmental abnormalities, and cancer;
- The 2006 U.S. Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that there is no safe level of exposure to secondhand smoke;
- The World Health Organization in 2007 declared that there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke;
- In Florida, 59% of children between ages 11 and 17 report being exposed to secondhand smoke from cigarettes or electronic vapor products;

WHEREAS, there is emerging evidence that exposure to the aerosol produced by a vapor-generating electronic device may be harmful, as evidenced by the following:

- E-cigarettes produce an aerosol that contains at least ten chemicals known to cause cancer, birth defects, or other reproductive harm.⁵
- Bystanders exposed to e-cigarette aerosol can also absorb its nicotine.⁶
- The aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.⁷

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ California Tobacco Control Program, California Department of Public Health. State Health Officer's Report on E-Cigarettes: A Community Health Threat. Sacramento, CA. 2015. Available at: <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/ElectronicSmokingDevices/StateHealthEcigReport.pdf>.

⁶ Ballbé M, Martínez-Sánchez JM. Cigarettes vs. E-Cigarettes: Passive Exposure at Home Measured by Means of Airborne Marker and Biomarkers. *Environmental Research* 2014;135:76–80 [accessed 2015 Jun 2].

⁷ Fuoco, F.C.; Buonanno, G.; Stabile, L.; Vigo, P., "Influential parameters on particle concentration and size distribution in the mainstream of e-cigarettes," *Environmental Pollution* 184: 523-529, January 2014.

- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma and constrict arteries which could trigger a heart attack.⁸

WHEREAS, tobacco waste is a major, consequential, and persistent source of litter, as evidenced by the following:

- The roughly 6.3 trillion cigarettes smoked globally each year result in 300 billion packs that produce almost 2 million tons of wastepaper, cellophane, foil, and glue as well as trillions of butts littered across roadways, sidewalks, parks, and other green spaces^{9,10};
- Both tobacco industry and peer-reviewed research found that most smokers admit littering their cigarette butts¹¹, 53,54 for example, one study found 74.1% of smokers admitted littering cigarette butts at least once in their life and 55.7% admitted to littering them in the past month¹²;
- In an observational study of nearly 10,000 individuals, 65% of smokers disposed of their cigarette butts as litter¹³;
- Cigarette butts are perennially the most common form of litter collected during cleanup programs worldwide. For example, in 2018, cigarette butts made up nearly 16% of all litter collected through cleanup programs in the U.S. (809,538 out of 5,106,515 items)
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean¹⁴;
- As of August 2019, the U.S. Environmental Protection Agency recognizes nicotine- containing electronic smoking devices as acute hazardous waste when disposed properly¹⁵;

WHEREAS, cigarette butts, smokeless tobacco, and electronic smoking devices pose a health threat of poisoning to young children, as evidenced by the following:

⁸ Grana, R; Benowitz, N; Glantz, S. "Background Paper on E-cigarettes," Center for Tobacco Control Research and Education, University of California, San Francisco and WHO Collaborating Center on Tobacco Control. December 2013.

⁹ Novotny TE, Lum K, Smith E, Wang V, Barens R. Cigarettes Butts and the Case for an Environmental Policy on Hazard- ous Cigarette Waste. *Int J Environ Res Public Health*. 2009;6(5):1691-1705. doi: 10.3390/ijerph6051691.

¹⁰ Novotny TE, Aguinaga Bialous S, Burt L, et al. The environmental and health impacts of tobacco agriculture, cigarette manufacture and consumption. *Bull World Health Organ*. 2015;93(12):877-880. doi: 10.2471/BLT.15.152744.

¹¹ Smith EA, Novotny TE. Whose Butt Is It? Tobacco Industry Research About Smokers and Cigarette Butt Waste. *Tob Control*. 2011;20(Suppl 1):i2-9. doi: 10.1136/tc.2010.040105.

¹² Rath JM, Rubenstein R a, Curry LE, Shank SE, Cartwright JC. Cigarette litter: Smokers' attitudes and behaviors. *Int J Environ Res Public Health*. 2012;9(6):2189–203. doi:10.3390/ijerph9062189.

¹³ *Id.*

¹⁴ Novotny TE, Lum K, Smith E, Wang V, Barens R. Cigarettes Butts and the Case for an Environmental Policy on Hazard- ous Cigarette Waste. *Int J Environ Res Public Health*. 2009;6(5):1691-1705. doi: 10.3390/ijerph6051691.

¹⁵ Resource Conservation and Recovery Act; EPA Management Standards for Hazardous Waste Pharmaceuticals and Amend- ment to the P075 Listing for Nicotine, 84 Fed. Reg. § 5816 (August 21, 2019) (to be codified at 40 C.F.R. pt. 266(p)).

- In 2018, American poison control centers logged nearly 13,000 cases involving exposure to cigarettes, cigarette butts, electronic smoking devices, or other tobacco products, and of these, more than 10,000 (79.0%) occurred in children aged 5 years and younger¹⁶;
- Among the 10,266 cases of nicotine and tobacco product exposure recorded in 2018 among children 5 years of age and younger by American poison control centers, 50.3% involved cigarettes, 18.4% involved electronic smoking devices, and 8.0% involved other tobacco products¹⁷;
- The annual number of electronic cigarette exposure cases among children less than 5 years of age reported to American poison control centers increased from 10 in 2010 to 1,835 in 2018, a 14,015% increase¹⁸; and
- Children who ingest tobacco products can experience vomiting, nausea, lethargy, and gagging, with e-liquids potentially posing a greater risk of toxicity or fatality through either ingestion or transdermal absorption¹⁹;

WHEREAS, Florida cities and counties have the legal authority to adopt local laws that prohibit smoking in public parks and beaches.

NOW THEREFORE, in order to provide for the public health, safety, and welfare, reduce unwanted and unwelcome exposure to secondhand smoke, assure cleaner and more hygienic parks and for Bonifay its residents and visitors, it is the intent of the City Council, in enacting this ordinance, to prohibit smoking in parks which are used by or open to the public and to prohibit smoking waste in those areas thereby affirming and promoting a healthy environment in Bonifay.

Sec. 2. DEFINITIONS The following words and phrases, whenever used in this chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) “Electronic Smoking 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.

(b) “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 which is open to the general public.

(c) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted tobacco product whether natural or synthetic. “Smoking” also means using an electronic smoking device or any other plant product intended for inhalation, including hookah and marijuana. For the purposes of this policy only, smoking does not include the use of unfiltered cigars (pursuant to Florida Statute 386.209).

¹⁶Gummin DD, Mowry JB, Spyker DA, et al. 2018 Annual Report of the American Association of Poison Control Centers’ National Poison Data System (NPDS): 36th Annual Report. *Clin Toxicol*. 2019;57(12):1220-1413. doi: 10.1080/15563650.2019.1677022.

¹⁷ *Id.*

¹⁸ Wang B, Liu S, Peroskie A. Poisoning Exposure Cases Involving E-Cigarettes and E-Liquid in the United States, 2010- 2018. *Clin Toxicol*. 2020;58(6):488-494. doi: 10.1080/15563650.2019.

¹⁹ Chang JT, Rostron BL. Electronic Nicotine Delivery System (ENDS) Liquid Nicotine Exposure in Young Children Present- ing to US Emergency Departments, 2018. *Inj Epidemiol*. 2019;6:43. doi: 10.1186/s40621-019-0219-6.

(d) "Tobacco Product" means:

(1) any product containing, made, or derived from tobacco, nicotine or nicotine analogues that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(2) any electronic smoking device as defined in this chapter and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(3) any component, part, accessory, of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

"Tobacco Product" does not mean 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.

(f) "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, electronic smoking devices of all types, electronic smoking device cartridges or refill containers, plastic packaging, foil, or other disposable tobacco product remnants or tobacco product packaging in any form.

(g) "Vaping" means the inhaling, exhaling, or holding of an activated electronic smoking device.

Sec. 3. PROHIBITION OF TOBACCO USE IN RECREATIONAL AREAS.

(a) Smoking and the use of all other tobacco products is prohibited in all parks within Bonifay. Unfiltered cigars are exempted under 386.209, Florida Statutes.

Sec. 4. OTHER REQUIREMENTS AND PROHIBITIONS.

(a) No person shall dispose of tobacco product waste in any park.

(b) The City Clerk or their designee shall post at least one clear, conspicuous, and unambiguous "No Smoking or Vaping" sign at each point of ingress to the area, and in at least one other conspicuous location where individuals congregate (such as restrooms, playgrounds, or buildings) within each recreational area. For the purposes of this section, the City Clerk or their designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this ordinance.

Sec. 5. COMPLIANCE AND ENFORCEMENT.

The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Individuals acting in violation of this policy will be reminded and asked to comply. Individuals who violate this policy may be asked to leave the park. Violations of this ordinance shall be punished by a fine of up to \$500.00 per violation or \$1,000.00 per day, whichever is lesser. The Bonifay Police Department shall have the authority to issue citations for violations. This ordinance may also be enforced by civil action brought by the City against any offender, in the event of a threat of repeated violations.

Sec. 6. STATUTORY CONSTRUCTION & SEVERABILITY.

If any section, subsection or provision of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections or provisions of this ordinance or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection or provision hereof independently, irrespective of the fact that any one or more other sections, subsections or provisions hereof be declared invalid or unenforceable.

Sec. 7. EFFECTIVE DATE

This policy shall take effect immediately upon its passage and adoption.

INTRODUCED on first reading in the City Council on _____, 2023.

PASSED after second reading by the City Council on _____, 2023.

CITY OF BONIFAY, FLORIDA

ATTEST:

By its Mayor, Dr. Emily McCann

By the City Clerk, Rickey Callahan

APPROVED AS TO FORM:

Michelle Blankenship Jordan
City Attorney