

ORDINANCE NO. 178

AN ORDINANCE REGULATING THE USE OF ELECTRONIC DELIVERY DEVICES WITHIN THE CITY OF GLYNDON, MINNESOTA

THE CITY COUNCIL OF THE CITY OF GLYNDON, MINNESOTA DOES ORDAIN:

SECTION 1. PURPOSE AND INTENT

Unregulated electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA, "Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>)

E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply:

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

Use. The inhaling or exhaling of aerosol or vapor from any electronic delivery device. Use shall also mean being in possession of an electronic delivery device that is turned on or otherwise activated.

SECTION 3. PROHIBITION

The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Act, as it may be amended from time to time.

SECTION 4 – OTHER APPLICABLE LAWS

This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes sections 144.411 to 144.417, as it may be amended from time to time. Nothing in this ordinance authorizes smoking or the use of an electronic delivery device in any location that is regulated by other applicable laws or regulations.

SECTION 5 – VIOLATION AND PENALTIES

Subd. 1. Use Where Prohibited. It is a violation of this Ordinance for any person to use an electronic delivery device in an area where prohibited by this Ordinance, or to use an electronic delivery device in an area where prohibited by a private policy established by the proprietor or other person in charge of the area.

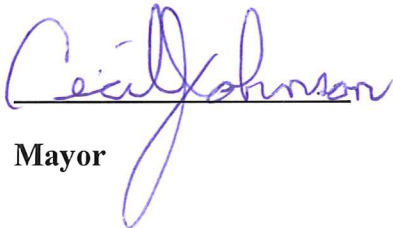
Subd. 2. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which the use of an electronic delivery device is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

Subd. 3. Penalties. A person who violates any provision of this Ordinance is guilty of a petty misdemeanor. Each day of violation constitutes a separate offense.

SECTION 6 – EFFECTIVE DATE

This Ordinance shall become effective upon publication.

Passed by the Council this 13 day of January, 2016


Cecil Johnson
Mayor

Attested:


Mervin J. Anderson
City Clerk

*Introduction – September 23, 2015
1st Reading – December 9th, 2015
2nd Reading – December 21, 2015
3rd Reading – January 13, 2016 and Adopted by Council Motion
Publication in the Clay County Union – January 25, 2016*