

**RESOLUTION 2019-003**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, RELATING TO ESTABLISHMENT OF TOBACCO-FREE ZONES AT COUNTY PARKS AND RECREATIONAL FACILITIES; AND PROVIDING FOR CONFLICT AND SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, a fundamental purpose of local governments is to promote, protect, and improve the health, safety, and general welfare of the citizens and visitors of the jurisdiction; and

**WHEREAS**, in consideration and advancement of such purpose, Indian River County provides recreational and leisure facilities and programs for children and adults through-out the County that help to promote good health, wellness, and quality of life for citizens and visitors alike; and

**WHEREAS**, tobacco use is the most preventable cause of death and disease in the United States, where 430,000 Americans die each year from lung cancer, heart disease, respiratory illness, and other diseases related to tobacco use; and

**WHEREAS**, the United States Environmental Protection Agency has determined secondhand smoke to be a risk to the public health, has classified secondhand smoke as a group A carcinogen, and puts our children in danger with proven health risks, including respiratory diseases, asthma, and ear infections; and

**WHEREAS**, 3,000 youth become regular smokers each day, almost 90% of smokers start smoking before the age of 18, and one-third of these children will die prematurely from tobacco-related illnesses; and

**WHEREAS**, chewing tobacco, snuff or dip, including flavored products marketed to youth, are tobacco products that cause cancers of the mouth, gums, tongue, and throat and the spittle resulting from use of such products expelled onto the ground, picnic and recreational seating areas, and other contact surfaces creates potential exposure to such body fluids and bacteria; and

**WHEREAS**, electronic cigarettes or electronic nicotine delivery systems (“e-cigarettes”) include a range of devices designed to deliver nicotine or other substances to users in the form of an aerosol that simulates smoking; and

**WHEREAS**, in 2016, the U.S. Food and Drug Administration (FDA) issued a statement that it will regulate e-cigarettes as tobacco products; and

**WHEREAS**, e-cigarettes produce some of the same toxic chemicals as smoking, and little is known about the long-term use of e-cigarettes; and

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**WHEREAS**, tobacco use in and around recreational and leisure activities and facilities sends a contradictory message to the same young people who are encouraged to participate in recreational and leisure activities that are beneficial to their health and wellness; and

**WHEREAS**, in addition, improperly discarded cigarette and cigar butts contribute to litter and offensive pollution of Indian River County as well as create potential choking and other health dangers for young children, pets, and wildlife; and

**WHEREAS**, in light of all the foregoing, the Indian River County Board of County Commissioners ("Board") finds that establishment of tobacco-free zones with appropriate signage for playground areas at County parks and recreation facilities is in the public interest in that it will serve to discourage tobacco use in such areas and thereby help to promote, protect, and improve the health, safety, and general welfare of the County's citizens and visitors making use of County recreational and leisure facilities and programs; and

**WHEREAS**, the Board also finds that installation of disposal receptacles at such tobacco-free zones and other appropriate recreation facilities in the County would help to promote proper disposal of cigarette and cigar butts and other tobacco product debris and thereby help reduce litter and offensive pollution of Indian River County and reduce potential choking and other health dangers for young children, pets, and wildlife;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

**Section 1. Establishment of Tobacco-Free Zones.** All playground areas at all Indian River County parks and recreation facilities are hereby designated as tobacco-free zones. Establishment of these zones is intended only to discourage tobacco use in such areas and shall not be deemed as establishing a park rule or ordinance subject to code enforcement.

**Section 2. Installation of Signs and Receptacles.** The County Administrator is authorized to cause the installation of appropriate signs at playground areas at all Indian River County parks and recreation facilities designating such areas as tobacco-free zones. The County Administrator is also authorized to cause the installation of cigarette and cigar butt disposal receptacles for such tobacco-free zones as well as other appropriate locations at County parks and recreational facilities, including but not limited to County boardwalks.

**Section 3. Conflict and Severability.** In the event a provision of this resolution conflicts with a provision of any other resolution of the Indian River County Board of County Commissioners, the provisions of this resolution shall apply and supersede on the subject matter of this resolution, except as may be otherwise preempted by state law. If any provision of this resolution is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this resolution, which shall be deemed separate, distinct, and independent provisions to the fullest extent possible.

**Section 4. Effective Date.** This resolution shall become effective upon adoption.

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The foregoing resolution was moved for adoption by Commissioner O'Bryan \_\_\_\_\_, and seconded by Commissioner Zorc \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Chairman Bob Solari	<u>AYE</u>
Vice-Chairman Susan Adams	<u>AYE</u>
Commissioner Joseph E. Flescher	<u>AYE</u>
Commissioner Tim Zorc	<u>AYE</u>
Commissioner Peter D. O'Bryan	<u>AYE</u>

The Chairman thereupon declared the resolution duly passed and adopted this 15 day of January, 2019.

**ATTEST:** Jeffrey R. Smith, Clerk of Court  
and Comptroller

By:   
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA**

By:   
Bob Solari, Chairman

Approved as to form and legal sufficiency:

By:   
Dylan Reingold, County Attorney

