

ORDINANCE 2026-001

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS; PROHIBITING DISPOSAL OF TOBACCO OR NICOTINE-BASED PRODUCT WASTE IN ANY PARK; REQUIRING SIGNAGE; PROVIDING DEFINITIONS; PROVIDING FOR COMPLIANCE AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Callahan, Florida exercises control over publicly dedicated parks located within the Town limits of the Town; 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, the Town of Callahan, Florida seeks to restrict smoking and vaping within the boundaries of its parks, consistent with its authority under F.S. 386.209; and

WHEREAS, to protect the health, safety, and welfare of the citizens and residents of Town;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, AS FOLLOWS:

SECTION 1. PROHIBITIONS RELATED TO SMOKING AND VAPING IN PARKS

- (a) Smoking and vaping is prohibited in all parks within the Town of Callahan.
- (b) No person shall dispose of tobacco, nicotine, cannabis, or plant-based product waste in any park.

SECTION 2. SIGNAGE

- (a) The Town Manager or his designee shall post at least one clear, conspicuous and unambiguous “No Smoking or Vaping: Includes tobacco, e-cigarettes, cannabis, hemp, and all plant-based inhalable products” sign at each entrance of the park regularly used by members of the public. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking or vaping in violation of any other provision of this ordinance.

SECTION 3. DEFINITIONS. The following words and phrases, whenever used in this article shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) “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.

(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 or heated tobacco, nicotine, cannabis, or plant based product, including cigarettes, filtered cigars, pipes, and any other lighted or heated tobacco, nicotine, cannabis, or plant product whether natural or synthetic. Smoking does not include the use of unfiltered cigars.

(d) “Tobacco, Nicotine, Cannabis, or Plant based Product” means:

(1) any product containing, made, or derived from tobacco, nicotine, cannabis or plants 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, filtered cigars, pipes, chewing products, snuff, or snus;

(2) any vapor-generating electronic device as defined in this article 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.

(4) any lighted or heated substance or product, including but not limited to tobacco, nicotine, cannabis, or any other plant-based material.

“Tobacco, Nicotine, Cannabis, or Plant based Product” does not include ordinarily consumed food items. It also 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.

(e) “Tobacco, Nicotine, Cannabis or Plant Based 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, nicotine, cannabis, or plant based Product Waste includes, but is not limited to, discarded cigarette butt filters, filtered 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 tobacco product packaging in any form.

(f) "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, a chemical, or a 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 4. COMPLIANCE AND ENFORCEMENT.

- (a) Individuals who violate this ordinance shall be asked to comply with this ordinance.
- (b) Individuals who do not comply with this ordinance after being asked to comply shall be required to leave the park.
- (c) Individuals who violate this ordinance may be prohibited from entering a Town park for up to six months after his or her second violation.
- (d) Individuals who violate this ordinance shall be subject to a civil penalty of \$100 per violation after his or her second violation.
- (e) Enforcement shall be instituted by the issuance of a citation by the Code Enforcement Officer, appointed pursuant to §25-38 of the Town of Callahan Code.


SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon the final passage of this Ordinance.


ADOPTED THIS 02 DAY OF FEBRUARY 2026


ATTEST:


Shawna Gugliuzza, Town Clerk

First Reading:
Advertisement Dates:
Final Reading:

TOWN OF CALLAHAN, FLORIDA


Janet Shaw, Town Council President


Randy Knagge, Mayor