

PROPOSED ORDINANCE NO. 14-01

**AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING THAT THE CODE OF ORDINANCES, CITY OF ROSWELL, NEW MEXICO, BE AMENDED BY REVISING SECTION 16-9 IN THE ROSWELL CITY CODE TO INCLUDE VAPOR DEVICES IN THE DEFINITION OF SMOKING IN THE SMOKE FREE AIR ACT OF 2004.**

**WHEREAS**, the City of Roswell has previously determined that secondhand tobacco smoke is a significant health hazard within the City of Roswell;

**WHEREAS**, the City of Roswell has concluded that the regulation of smoking in public places and places of employment affects the safety and well-being of public health, and;

**WHEREAS**, the use of vapor devices to simulate smoking affects the public health.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO**, that:

Section 1. The Roswell City Code, Section 16-9 (2) Definitions is hereby amended to read as follows for the definition of "Smoking," and that all other definitions shall remain unchanged:

**Section 16-9 (2) Definitions ...**

*Smoking* means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe or other tobacco product in any manner and includes an vapor device, such as an electronic cigarette (e-cigarette), electronic cigar (e-cigar) or electronic pipe (e-pipe), that employs a heating element, battery or electronic circuit, regardless of shape or size, that can be used to heat a liquid nicotine product contained in a vapor product or any other substance for the use or inhalation of which simulates smoking.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

Section 3. Severability. If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not be affected any other part of this Ordinance.

Section 4. Effective Date. This Ordinance shall be effective five (5) days following its publication.

**PASSED, ADOPTED, SIGNED AND APPROVED** the \_\_\_ day of \_\_\_\_\_, 2014.

**CITY SEAL**

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Dennis Kintigh, Mayor

**ATTEST:**

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Sharon Coll, City Clerk