

1 **CITY OF MARGATE, FLORIDA**

2
3 **ORDINANCE NO. _____**
4

5
6 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING
7 CHAPTER 27 - PARKS AND RECREATION, SECTION 27-5
8 GENERAL RULES AND REGULATIONS AND SECTION 27-6 PENALTY
9 FOR VIOLATION OF RULES AND REGULATIONS; PROVIDING FOR
10 REGULATION OF SMOKING AND VAPING IN CITY PARKS;
11 PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS;
12 PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE
13 DATE.
14

15 **WHEREAS**, pursuant to Article VIII, Section 2 of the
16 Florida Constitution and Chapter 166 of the Florida Statutes,
17 the City of Margate is authorized to protect the public
18 health, safety, and welfare of its residents and has the
19 power and authority to enact regulations for valid
20 governmental purposes that are not inconsistent with general
21 or special law; and

22 **WHEREAS**, Florida Statute §386.201 authorizes
23 municipalities to restrict smoking within municipal parks;
24 and

25 **WHEREAS**, Florida Statute §386.201 exempts unfiltered
26 cigars by preempting municipalities from enacting legislation
27 restricting the smoking of unfiltered cigars in municipal
28 parks; and

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existing text; words in underscored text are additions to
existing text, and shaded text reflect changes between First
and Second Readings.

1 **WHEREAS,** the City Commission has determined that
2 prohibiting smoking or vaping on the City's parks is in the
3 best interest of the City by preserving the health, safety
4 and general welfare of its residents and visitors, and the
5 environment.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
7 **THE CITY OF MARGATE, FLORIDA THAT:**

8 **Section 1.** The foregoing "WHEREAS" clauses are
9 hereby ratified and confirmed as being true and correct, and
10 are hereby incorporated herein and made a part hereof.

11 **Section 2.** The Code of Ordinances of the City of
12 Margate Florida, Chapter 27 - PARKS AND RECREATION, Section
13 Sec. 27-5. General rules and regulations, is hereby amended
14 to read as follows:

15 **Sec. 27-5. General rules and regulations.**

16 (a) *Alcoholic beverages.* No alcoholic beverages are allowed in
17 any parks without approval of city manager.

18 (b) *Trash, fires.* People using the parks will be responsible
19 for placing all trash in the proper receptacles, and
20 extinguishing fires in barbeque areas.

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1 (c) *Motor vehicles*. All vehicles shall park in designated
2 areas. No motor driven vehicles shall be allowed in city
3 parks except for city vehicles performing authorized work
4 or vehicles authorized by the parks and recreation
5 director.

6 (d) *Dogs*. No dogs shall be allowed in parks except for Seeing
7 Eye dogs, dogs used by law enforcement officials or in the
8 case of special events, i.e., dog shows.

9 (e) *Golfing*. No golfing is allowed in any city parks.

10 (f) Smoking or vaping in City parks is prohibited.

11 "Smoking" means inhaling, exhaling, burning, carrying, or
12 possessing any lighted or heated tobacco product,
13 including cigarettes, filtered cigars, pipe tobacco, and
14 any other lighted or heated tobacco product whether
15 natural or synthetic. For the purposes of this section
16 only, smoking does not include the use of unfiltered
17 cigars (pursuant to Florida Statute 386.209).

18 "Vaping" means using any vapor-generating electronic
19 device that may be used to deliver any aerosolized or
20 vaporized substance to the person inhaling from the

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1 device, including, but not limited to, an e-cigarette, e-
2 cigar, e-pipe, vape pen, or e-hookah.

3
4 **Section 3.** The Code of Ordinances of the City of
5 Margate Florida, Chapter 27 - PARKS AND RECREATION, Section
6 Sec. 27-6. Penalty for violation of rules and regulations.,
7 is hereby amended to read as follows:

8
9 **Sec. 27-6. Penalty for violation of rules and regulations.**

10 (a) *Expulsion.* Any individual or group of individuals which
11 violate any rules or regulations set out herein or
12 promulgated by the parks and recreation department or any
13 lawful order of any employee of the parks and recreation
14 department made for the protection of the persons or
15 property at any city recreation facility shall have no
16 right to remain at the city recreation facility at which
17 said violation or disobedience occurred for the remainder
18 of the day in which said violation or disobedience
19 occurred. Any individual or group of individuals remaining
20 at said facility will be considered trespassing and shall
21 be subject to ejection or arrest by the police department.

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1 (b) *Denial of use of facilities.* Any individual or group of
2 individuals which repeatedly violate the rules set forth
3 herein or promulgated by the parks and recreation
4 department or any lawful order of any employee of the
5 parks and recreation department made for the protection of
6 the persons or property at any city recreation facility
7 may be permanently barred from all city parks and
8 recreation facilities upon the order of the city manager
9 with the advice of the director of parks and recreation
10 department. Any individual or group of individuals
11 permanently barred shall be considered trespassing upon
12 any public facility of the parks and recreation department
13 and shall be subject to ejection and arrest by the police
14 department.

15 (c) Violations of subsection (f) Smoking or vaping in City
16 parks, shall subject the violator to enforcement
17 and penalties as provided above and Section 1-8 of this
18 Code.

19 **Section 4.** It is the intention of the City
20 Commission of the City of Margate, Florida that the
21 provisions of this ordinance shall become and be made a part

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1 of the City of Margate Code of Ordinances. The sections of
2 this ordinance may be re-numbered or re-lettered and the word
3 "ordinance" may be changed to "section," "article," or such
4 other appropriate word or phrase in order to accomplish such
5 intentions.

6 **Section 5.** All Ordinances or parts of Ordinances,
7 Resolutions or parts of Resolutions in conflict herewith be,
8 and the same are hereby repealed to the extent of such
9 conflict.

10 **Section 6.** If any clause, section, or other part or
11 application of this Ordinance shall be held by any court of
12 competent jurisdiction to be unconstitutional or invalid, such
13 unconstitutional or invalid part or application shall be
14 considered as eliminated and so not affecting the validity of
15 the remaining portions or applications remaining in full force
16 and effect.

17 **Section 7.** This Ordinance shall become effective
18 immediately upon adoption at its second reading.

19
20 PASSED ON FIRST READING THIS ____ day of ____, 2025.

21 PASSED ON SECOND READING THIS ____ day of ____, 2025.

22 ATTEST:

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JENNIFER M. JOHNSON
CITY CLERK

MAYOR ARLENE R. SCHWARTZ

RECORD OF VOTE

Ruzzano _____
Caggiano _____
Simone _____
Arserio _____
Schwartz _____

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