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

CODING: Words in struck through text are deletions from existing text; words in underscored text are additions to existing text, and shaded text reflect changes between First and Second Readings.

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parks; and

1	WHEREAS,	the City	Commission	has	determined	that
2	prohibiting smok	ing or vapi	ng on the C	ity's	parks is	in the
3	best interest of	the City	by preservi	ng the	e health,	safety
4	and general welf	are of its	residents	and v	isitors, am	nd the
5	environment.					

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

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

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

Sec. 27-5. General rules and regulations.

- (a) Alcoholic beverages. No alcoholic beverages are allowed in 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.

- 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.

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- "Smoking" means inhaling, exhaling, burning, carrying, or

 possessing any lighted or heated tobacco product,

 including cigarettes, filtered cigars, pipe tobacco, and

 any other lighted or heated tobacco product whether

 natural or synthetic. For the purposes of this section

 only, smoking does not include the use of unfiltered

 cigars (pursuant to Florida Statute 386.209).
 - "Vaping" means using any vapor-generating 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.

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

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

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

(b) Denial of use of facilities. Any individual or group of individuals which repeatedly violate the rules set forth promulgated by the parks herein and recreation or department or any lawful order of any employee of the parks and recreation department made for the protection of the persons or property at any city recreation facility may be permanently barred from all city parks recreation facilities upon the order of the city manager with the advice of the director of parks and recreation department. Any individual or group of individuals permanently barred shall be considered trespassing upon any public facility of the parks and recreation department and shall be subject to ejection and arrest by the police department.

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- 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.
 - Section 4. It is the intention of the City

 Commission of the City of Margate, Florida that the

 provisions of this ordinance shall become and be made a part

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

 Resolutions or parts of Resolutions in conflict herewith be,

 and the same are hereby repealed to the extent of such

 conflict.
 - <u>Section 6</u>. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.
- 17 <u>Section 7.</u> This Ordinance shall become effective 18 immediately upon adoption at its second reading.
- 20 PASSED ON FIRST READING THIS $_$ day of $_$, 2025.
- 21 PASSED ON SECOND READING THIS _____ day of _____, 2025.
- 22 ATTEST:

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intentions.

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2	JENNIFER M. JOHNSON	MAYOR ARLENE R. SCHWARTZ
3	CITY CLERK	
4		
5		RECORD OF VOTE
6		Ruzzano
7		Caggiano
8		Simone
9		Arserio
10		Schwartz