

PROPOSED ORDINANCE NO. 2022-07

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 97, OF THE CITY CODE OF ORDINANCES, ENTITLED “PARKS AND RECREATION” BY SPECIFICALLY CREATING SECTION 97.29, ENTITLED “SMOKING PROHIBITED IN PARKS;” PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed HB 105 during the 2022 legislative session, referred to as the “Florida Clean Air Act”; and,

WHEREAS, the purpose of HB 105 is to protect the public from the health hazards associated with secondhand tobacco smoke; and,

WHEREAS, HB 105 specifically authorizes municipalities, such as the City of Pembroke Pines (“City”), to regulate and prohibit smoking within the boundaries of City parks; and,

WHEREAS, the City’s professional staff has recommended a prohibition on smoking in parks throughout the City; and,

WHEREAS, newly created City Code of Ordinances Section 97.29, entitled “Smoking in parks prohibited,” will authorize the City to convert City parks into smoke free zones allowing residents and visitors to enjoy City parks without exposure to second-hand smoke while eliminating discarded cigarette butts and other smoking-related trash; and,

WHEREAS, the City Commission hereby finds it is in the best interest of the residents and citizens of the City to amend the City Code of Ordinances to regulate and prohibit smoking in City parks.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA:

SECTION 1: That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2: Chapter 97 of the City of Pembroke Pines Code of Ordinances, entitled "Parks and Recreation," is hereby amended to include newly created Section 97.29, entitled "Smoking prohibited in parks" as set forth below.

§97.29 Smoking prohibited in parks.

- (a) Smoking or holding lighted tobacco products, and use or consumption of tobacco products, including the use of e-cigarettes or vapes, in parks under the control and management of the city, is prohibited and unlawful. It is prohibited and unlawful for any person to smoke or carry a lighted cigar, cigarette, cigarillo or pipe, or use any sparks, flame, match or fire-producing device normally used in tobacco smoking, or, to use or consume tobacco products, including e-cigarettes or vapes, in any city park, under the control and management of the city, except smoking of unfiltered cigars is permitted. The city designees, shall post signs reading "Smoking Prohibited by Law", which shall be conspicuously displayed in all appropriate locations.
- (b) The provisions of this chapter shall be enforced consistent with the controlling provisions of Florida law and City Code of Ordinances §10.99.

SECTION 4: SEVERABILITY. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, unconstitutional or unenforceable, such invalidity shall not affect other provisions or applications of this Ordinance that can

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be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5: CONFLICT. All ordinances or parts of ordinances or resolutions of the City Commission, in conflict with this Ordinance are hereby repealed to the extent such conflict, and are superseded and replaced in their entirety by this Ordinance.

SECTION 6: CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish the provisions of this Ordinance. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7: EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS __ DAY OF JUNE, 2022.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS __ DAY OF AUGUST, 2022.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR FRANK C. ORTIS

MARLENE GRAHAM, CITY CLERK

ORTIS _____

APPROVED AS TO FORM:

GOOD _____

CASTILLO _____

OFFICE OF THE CITY ATTORNEY

SCHWARTZ _____

SIPLE _____