

ORDINANCE NO. C-22-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES FOR THE CITY OF FORT LAUDERDALE, TITLED "PARKS AND RECREATION," AMENDING ARTICLE I, TITLED "IN GENERAL" BY CREATING SECTION 19-7, TITLED "SMOKING OR VAPING IN PUBLIC PARKS OR ON PUBLIC BEACH IS PROHIBITED" TO PROHIBIT SMOKING OR VAPING IN ANY CITY PARK OR ON ANY CITY BEACH AREA, WITH THE EXCEPTION OF UNFILTERED CIGARS; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, cigarette butts contribute to the pollution of City parks and beaches, and contain toxic chemicals and microplastics that adversely impact the environment; and

WHEREAS, smoking is also a known public health hazard associated with cancer from secondhand tobacco smoke; and,

WHEREAS, effective July 1, 2022, HB 105, now known as the "Florida Clean Air Act", amended Section 386.209 of the Florida Statutes to authorize counties and municipalities to regulate and prohibit smoking or vaping within their parks and beaches, except for the smoking of unfiltered cigars; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Section 19-7. of the Code of Ordinances for the City of Fort Lauderdale, titled "Smoking in public parks or on public beach is prohibited." is hereby created to read as follows:

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Chapter 19 – PARKS AND RECREATION

ARTICLE I. – IN GENERAL

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Sec. 19-7. Smoking or vaping in public parks or on public beach is prohibited.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. “Smoke” or “Smoking” defined. The term smoke or smoking shall mean the act of inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, pipe tobacco, and any other lighted tobacco product.
2. “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.

(b) It shall be unlawful for any person to smoke, vape, or engage in the act of smoking or vaping in any public park or on any public beach area within the boundaries of the City Fort Lauderdale, with the exception of the smoking of unfiltered cigars. A violation of this section shall be punishable in accordance with section 1-6 of the City Code.

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SECTION 2. It is the intention of the Mayor and City Commission of the City of Fort Lauderdale, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances for the City of Fort Lauderdale. The sections of this ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid

or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon its passage on second reading.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis _____

Heather Moraitis _____

Steven Glassman _____

APPROVED AS TO FORM:

Robert L. McKinzie _____

Ben Sorensen _____

City Attorney
ALAIN E. BOILEAU