

ORDINANCE NO. 2022- 54

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO PROHIBIT SMOKING ON OR WITHIN THE BOUNDARIES OF THE MUNICIPAL BEACH AND WITHIN ANY PUBLIC PARK IN THE CITY; PROVIDING FOR EXEMPTION AS SET FORTH UNDER STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, House Bill 105, effective July 1, 2022, provides counties and municipalities may now prohibit smoking in their parks and beaches, except for the smoking of unfiltered cigars; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 98.02, "Prohibited Acts," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.02 PROHIBITED ACTS.

It shall be unlawful for any person to do any acts hereafter set out on the cultural or recreational facilities described in § 98.01 or on other public properties.

(A) Sell, peddle, or carry on any business on or within 50 feet of the municipal public beach and any park recreational or cultural facility. This provision shall not apply to persons having express permission to do so from the City Commission or its authorized agents or personnel.

...

(LL) Use any nicotine vaporizers as defined in § 115.30(A) of this Code within or upon any city parks, recreational, or cultural facilities.

(MM) Smoke on or within the boundaries of the municipal beach or within any city park or any public park owned by Broward County that is located within the city. Smoking of unfiltered cigars shall be exempt from this prohibition.

~~(MM NN)~~ For any adult 18 years or older to enter or remain in a designated play area as defined in § 98.01, unless the adult is supervising and/or accompanying children who are utilizing the play area.

Penalties. Any person violating the provisions of § 98.02(B), (D), (E)(1) and (E)(2), (H), (I), (J), (P), (R), (V), (Y), (Z), (AA), (BB), (CC), (DD), (EE), (FF), (GG), (HH), (II), (JJ), (KK), ~~and (LL)~~ and (MM) shall be deemed guilty of a civil infraction. During a one-year period, each violation of the above-referenced subsections of § 98.02 shall constitute a separate offense. Violations of the above-referenced section shall be punished as follows:

...

SECTION 2. All ordinances or parts of ordinances in conflict with this Ordinance are revoked.

SECTION 3. That any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective on July 1, 2022.

PASSED FIRST READING this 14th day of June, 2022.

PASSED SECOND READING this 28th day of June, 2022.

DocuSigned by:
Rex Hardin
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REX HARDIN, MAYOR

ATTEST:
DocuSigned by:
Asceleta Hammond
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ASCELETA HAMMOND, CITY CLERK

