

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, CREATING, CHAPTER 18, ARTICLE I, SECTION 18-9 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROHIBITING SMOKING AT PUBLIC PARKS AND THE WILLIE GALIMORE PUBLIC POOL AT EDDIE VICKERS PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, House Bill 105 amends Chapter 386.209, Florida Statutes to provide municipalities with the authority to restrict smoking within the boundaries of any public beaches and public parks that they own; and

WHEREAS, the Willie Galimore Public Pool located at Eddie Vickers Park is owned and operated within the boundaries of the City of St. Augustine; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Creating Chapter 18, Article I, Section 18-9. Chapter 18, Article I, Section 18-9 of the Code of the City of St. Augustine is hereby created to read as follows:

“Sec. 18-9. – Smoking Prohibited at Public Parks.

- (a) It shall be unlawful for any person to smoke or use vapor-generating devices within the boundaries of any park owned by the city, which is generally open to the public as a public space, consistent with Chapter 386.209, Florida Statutes.**
- (b) It shall be unlawful for any person to smoke or use vapor-generating devices at the Willie Galimore Public Pool located at Eddie Vickers Park pursuant to posted signs consistent with Chapter 386.209, Florida Statutes.**
- (c) Offenses under this section shall be punishable as a civil infraction with a penalty of no more than one hundred dollars (\$100.00) per violation.**

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

Tracy Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)