

City of Boca Raton



Incorporated 1925

ORDINANCE

5624

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 AMENDING CHAPTER 9, "MISCELLANEOUS OFFENSES,"
4 CODE OF ORDINANCES, ARTICLE I, "IN GENERAL," BY
5 CREATING SECTION 9-7, "PROHIBITION OF SMOKING IN
6 PARKS AND ON BEACHES OWNED BY THE CITY,"
7 AMENDING ARTICLE IV, "SUPPLEMENTAL CODE
8 ENFORCEMENT PROCEDURES," SECTION 9-60,
9 "SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES,"
10 TO INCLUDE SECTION 9-6 (REGULATION OF ELECTRONIC
11 CIGARETTES) AND SECTION 9-7, (PROHIBITION OF
12 SMOKING IN PARKS AND ON BEACHES OWNED BY THE
13 CITY) TO ALLOW FOR ENFORCEMENT; PROVIDING FOR
14 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
15 FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE
16

17 WHEREAS, the Florida Clean Indoor Air Act, Section 386.209, Florida Statutes (the
18 "Act"), which regulates where smoking is permitted, was recently amended to be renamed the
19 "Florida Clean Air Act," and was also amended to authorize municipalities and counties to restrict

1 smoking (with the exception of unfiltered cigars) in public parks and on public beaches they own;
2 and

3 WHEREAS, based on the legislative amendment, the City desires to amend its Code
4 of Ordinances to add a prohibition on smoking in parks and on beaches owned by the City in
5 order to protect the public from the potential health hazards associated with exposure to
6 secondhand smoke; and

7 WHEREAS, the City Council finds that a prohibition of smoking in parks and on beaches
8 owned by the city has a narrow, limited purpose that is consistent with the Act in order to protect
9 individuals from the possibility of unwanted exposure to secondhand tobacco smoke; and

10 WHEREAS, the City Council desires to amend Section 9-60(2) of the Code of
11 Ordinances to add Section 9-6, "Regulation of electronic cigarettes in a similar manner as tobacco
12 cigarettes" and Section 9-7, "Prohibition of smoking in parks and on beaches owned by the city;"
13 to allow for enforcement under that subsection; now therefore

14
15 THE CITY OF BOCA RATON HEREBY ORDAINS:

16
17 Section 1. Chapter 9, "Miscellaneous Offenses," Article I, "In General," Section 9-7,
18 "Prohibition of smoking in parks and on beaches in parks and beaches owned by the city," is
19 created to read:

20 Section 9-7. Prohibition of smoking in parks and on beaches owned by the city.

21 (1) Smoking Prohibited.

22 (a) No smoking shall be permitted in parks and on beaches owned by the city.

23 (b) The above prohibition shall not apply to unfiltered cigars.

24 (2) Penalty. Any person who violates this section shall be subject to a civil penalty not
25 exceeding \$500; violation of this section shall not be punishable by imprisonment.

1 Section 2. Chapter 9, "Miscellaneous Offenses," Article IV, "Supplemental Code
2 Enforcement Procedures," Section 9-60, "Supplemental code enforcement procedures," is
3 amended to read:

4 * * *

5 (2) Supplemental procedures. Enforcement of the following provisions of the Code
6 pursuant to the provisions of this article is hereby authorized:

7 * * *

8
9 (d) Section 9-6, "Regulation of electronic cigarettes in a similar manner as tobacco
10 cigarettes;"

11 (e) Section 9-7, "Prohibition of smoking in parks and on beaches owned by the city;"

12 * * *

13
14
15 *[Note to Codifier: current subsections (d) through (ee) are hereby renumbered as subsections (f)
16 through (ff).]*

17 Section 3. If any section, subsection, clause or provision of this ordinance is held
18 invalid, the remainder shall not be affected by such invalidity.

19 Section 4. All ordinances and resolutions or parts of ordinances and resolutions and
20 all sections and parts of sections in conflict herewith shall be and hereby are repealed.
21

22 Section 5. Codification of this ordinance in the City Code of Ordinances is hereby
23 authorized and directed.

24 Section 6. This ordinance shall take effect immediately upon adoption.
25

1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 23rd day
2 of August, 2022.

3 CITY OF BOCA RATON, FLORIDA

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5
6 ATTEST:

7
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9 Mary Siddons
10 Mary Siddons, City Clerk

11 Scott Singer
12 Scott Singer, Mayor

13 Approved as to form:

14
15
16 Diana Grub Frieser
17 Diana Grub Frieser
18 City Attorney

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20
21
22 O22304

23
24

COUNCIL MEMBERS	YES	NO	ABSTAINED
MAYOR SCOTT SINGER	✓		
DEPUTY MAYOR ANDREA LEVINE O'ROURKE	✓		
COUNCIL MEMBER YVETTE DRUCKER	✓		
COUNCIL MEMBER MONICA MAYOTTE	✓		
COUNCIL MEMBER ANDY THOMSON	✓		

25