

## ORDINANCE NO. 1063

AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA AMENDING THE CALLAWAY CODE OF ORDINANCES, CHAPTER 10.5 - PARKS AND RECREATION; PROHIBITING SMOKING WITHIN THE BOUNDARIES OF PUBLIC PARKS AND PUBLIC BEACHES OWNED BY THE CITY; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City recognizes that the regulation of smoking is preempted to the State of Florida; and

WHEREAS, the Florida Clean Air Act (the "Act") allows municipalities to further restrict smoking within the boundaries of any public beaches and public parks that they own; and

WHEREAS, the City finds it in the public interest to further restrict smoking in public parks and public beaches as allowed by the Act; and

WHEREAS, smoking in public parks and public beaches relates to the health, safety, and welfare of the citizens of the City of Callaway; and

WHEREAS, the City Commission of the City of Callaway desires to amend Chapter 10.5 of the Callaway Code Ordinances, relating to parks and recreation, to prohibit smoking in public parks and public beaches owned by the City.

NOW, THEREFORE, BE IT ENACTED by the people of the City of Callaway, Florida that:

**SECTION 1. Amendment.** Section 10.5-22 of Chapter 10.5 of the City of Callaway Code of Ordinances, is hereby created to read as follows (new text **bold and underlined**):

**Sec. 10.5-22. – Smoking in Public Parks and Public Beaches.**

**It shall be unlawful to smoke within the boundaries of City Parks or City Beaches. This Section shall not apply to restrict the smoking of unfiltered cigars.**

**SECTION 2. Codification.** The appropriate officers and agents of the city are authorized and directed to codify, include, and publish the provisions of this Ordinance within the Callaway Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

**SECTION 3. Repealer.** All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinance and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 4. Severability.** If any section or portion of this Ordinance shall be determined to be unconstitutional or invalid for any reason, the remaining provision shall remain in full force and effect.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Callaway, Florida, this 23<sup>rd</sup> day of August 2022.



**CITY OF CALLAWAY, FLORIDA**

By: Pamn Henderson  
Pamn Henderson, Mayor

ATTEST: [Signature]  
Janice L. Peters, MMC, City Clerk

PASSED ON FIRST READING: AUGUST 9, 2022

NOTICE PUBLISHED ON: AUGUST 12, 2022

PASSED ON SECOND READING: Aug. 23, 2022

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE CITY OF CALLAWAY ONLY:

VOTE OF COMMISSION:

Davis AYE  
Griggs AYE  
Henderson AYE  
Pelletier AYE  
**AYERS** AYE

Jennifer Shuler  
Jennifer Shuler, City Attorney

CITY OF CALLAWAY  
BOARD OF COMMISSIONERS  
AGENDA ITEM SUMMARY

DATE: AUGUST 23, 2022

ITEM: **ORDINANCE NO. 1063** – CODE CHAPTER 10.5 – PARKS & RECREATION AMENDMENT  
(FINAL READING)

1. **PLACED ON AGENDA BY:**  
Eddie Cook, City Manager  
And  
Kevin Obos, City Attorney

2. **AGENDA:**  
PRESENTATION   
PUBLIC HEARING   
OLD BUSINESS   
REGULAR

3. **IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

4. **BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

Ordinance 1063 amends the Code of Ordinances Chapter 10.5 adding verbiage prohibiting smoking within the boundaries of public parks and public benches owned by the city.

**ATTACHMENT:**

- Ordinance No. 1063



5. **REQUESTED MOTION/ACTION:**

Approval of the final reading of Ordinance No. 1063 upon roll-call vote.