

## **ORDINANCE O-18-2022**

**AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, CREATING, A NEW CODE SECTION 62-166 ENTITLED “SMOKING PROHIBITED IN CITY PARKS”; PROVIDING FOR SEVERABILITY; REPEALER; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF GREEN COVE SPRINGS; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Florida legislature in 2022 amended Chapter 386.209, Florida Statutes to provide municipalities with the authority to restrict certain smoking within the boundaries of any public parks that they own; and

**WHEREAS**, the City owns and operates numerous public parks, inclusive of piers; and

**WHEREAS**, the Council of Green Cove Springs finds that it is in the best interest of public health, safety, and general welfare that this Ordinance be adopted.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:**

Section 1. There is hereby created a new City Code Section 62-166 to be entitled “Smoking Prohibited in City Parks” which shall read as follows:

**Sec. 62-166. - Smoking Prohibited in City 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 any city owned docks or piers within such parks consistent with Chapter 386.209, Florida Statutes.
- (c) This section shall not apply to smoking unfiltered cigars.
- (d) Offenses under this section shall be punishable as a civil infraction with a penalty of no more than two hundred dollars (\$200.00) per violation. The city may also issue warnings and lesser fines

Section 2. Inclusion in Code. The City Council intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of Green Cove Springs, 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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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.

**INTRODUCTION AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY  
THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, ON THIS \_\_\_\_\_ DAY OF  
SEPTEMBER, 2022.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

By: \_\_\_\_\_

Daniel M. Johnson, Mayor

**ATTEST:** \_\_\_\_\_

Erin West, City Clerk

**PASSED ON SECOND AND FINAL READINGS BY THE CITY OF GREEN COVE  
SPRINGS, FLORIDA, THIS \_\_\_\_ DAY OF OCTOBER, 2022.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

By: \_\_\_\_\_

Daniel M. Johnson, Mayor

**ATTEST:** \_\_\_\_\_

Erin West, City Clerk

**APPROVED AS TO FORM:**

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L. J. Arnold III, City Attorney