

STAFF REPORT REGULAR MEETING

AGENDA DATE: November 1, 2022

DEPARTMENT: City Attorney

TITLE:

Ordinance No. 19-2022 – Second Reading - Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to prohibit smoking and vaping in City parks and on the City’s beach

SUMMARY:

The proposed Ordinance will amend Chapter 7 “Beaches, Parks and Recreation,” Article I “Parks, Recreational Facilities and Public Property” and Article VI “Municipal Beach Area and Municipal Beach” to prohibit smoking and vaping in city parks and on the beach and to provide for enforcement of the same.

BACKGROUND AND JUSTIFICATION:

The State legislature preempted the regulation of smoking to the State under section 386.209, Florida Statutes, which prohibited municipalities from regulating smoking. However, effective July 1, 2022, section 386.209 was amended to allow municipalities to restrict smoking and vaping within the boundaries of public beaches and public parks owned by such municipalities, except that they may not restrict the smoking of unfiltered cigars. Based upon the documented health problems caused by secondhand smoke and aerosol (vaping), the City wishes to adopt an ordinance that will prohibit smoking and vaping within its City parks and on its beach. The ordinance also provides for enforcement of these regulations by the Palm Beach County Sheriff’s Office through the City’s civil citation process set forth in Chapter 2, Article X of the Code.

The commission voted 4-1 to approve the Ordinance on first reading at the October 6 meeting with an amendment adding an exemption allowing for a designated smoking area with special event permits.

MOTION:

Move to approve / disapprove Ordinance No. 19-2022 prohibiting smoking and vaping in city parks and on the beach and to provide for enforcement of the same.

ATTACHMENTS:

Ordinance No. 19-2022