

# **EXECUTIVE BRIEF REGULAR MEETING**

**AGENDA DATE:** September 6, 2022

**DEPARTMENT:** City Attorney

**TITLE:**

Ordinance No. 19-2022 – First 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.

**MOTION:**

Move to approve / disapprove Ordinance No. 19-2022 on first reading and set the second reading and public hearing for September 20, 2022.

**ATTACHMENTS:**

Ordinance No. 19-2022