

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, CREATING SECTION 42-41 “SMOKING IN PARKS” PROHIBITING SMOKING IN ALL PARKS OPERATED BY THE CITY, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, in 2022 the State Legislature amended Florida Statute 386.209, “ Regulation of smoking preempted to state”, to allow a municipality to restrict smoking within the boundaries of any public beaches and public parks that they own, except that municipalities may not further restrict the smoking of unfiltered cigars; and

WHEREAS, given the number of children in City parks and the well documented public health concerns with tobacco use and secondhand smoke, as well as the concerns regarding cigarette butts and waste in parks where children may be playing the City’s Community Recreation Department wishes to codify the prohibition on smoking and vaping tobacco products within City parks operated by the City,

WHEREAS, this ordinance will not apply to any County-operated parks within the boundaries of the City; and

WHEREAS, Community Recreation staff is directed to provide ample time for the installation of signage and education prior to enforcement of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 42 “Community Recreation”, Article II- Public Conduct in Parks, Section 2-79 be created as follows¹:

Sec. 42-41. Smoking in Parks.

- (a) *Definitions*
 - a. “Electronic Smoking Device” means an electronic device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
 - b. “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted tobacco product whether natural or synthetic. “Smoking” also means using an electronic smoking device or any other plant product intended for inhalation, including hookah and marijuana. Smoking does not include the use of unfiltered cigars (pursuant to F.S. 386.209).
 - c. “Vaping” means the inhaling, exhaling or holding of an activated electronic smoking device.
- (b) *Prohibition of Smoking in Parks*
 - a. Smoking and vaping is prohibited in all parks and recreational facilities operated by the City
- (c) *Other requirements and prohibitions.*
 - a. The Community Recreation director or his/her designee shall post at least one clear, conspicuous “No Smoking or Vaping” sign at each point of ingress to each City park or recreation facility
- (d) *Compliance and enforcement.* This section shall be enforced in accordance with the relevant provisions of this Chapter, Code, or State Law.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

SECTION 8. City staff shall not begin enforcement of this ordinance at a particular park or facility until the required signage has been installed.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS

CITY ATTORNEY