

## ORDINANCE NO. 2023-011

**AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA AMENDING CHAPTER 18 OF THE TOWN CODE OF ORDINANCES, ENTITLED “PARKS AND RECREATION”, BY SPECIFICALLY AMENDING SECTION 18-4 ENTITLED, “SMOKING PROHIBITED IN OUTDOOR AREAS IN TOWN PARKS;” PROHIBITING SMOKING IN TOWN PARKS, WITH THE EXCEPTION OF UNFILTERED CIGARS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the United States Centers for Disease Control and Prevention (the “CDC”) has documented the dangerous health effects caused by smoking and exposure to second hand smoke; and,

**WHEREAS**, the University Health Services Department at the University of California, Berkeley provides that cigarette butts can include many toxic or harmful chemicals including formaldehyde, nicotine, arsenic, and lead; and,

**WHEREAS**, the National Institute of Health estimates that 9.7 billion cigarette butts are littered in the United States each year; and,

**WHEREAS**, on June 17, 2022, Governor Ron DeSantis signed House Bill 105 (“HB 105”), amending the Florida Clean Indoor Act to allow counties and municipalities to prohibit smoking at parks, subject to certain conditions; and

**CODING:** Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.

**WHEREAS**, HB 105 authorizes municipalities to restrict smoking within the boundaries of any public parks owned by the municipality or that are county-owned, but within a municipality's jurisdiction, unless such restriction conflicts with an existing county ordinance; and

**WHEREAS**, HB 105 prohibits municipalities from restricting the use of unfiltered cigars within public parks belonging to the municipality; and

**WHEREAS**, the Town Commission has determined that prohibiting smoking within City Parks is in the best interest of the health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2.** Chapter 18 of the Town's Code of Ordinances entitled "Parks and Recreation," is amended to specifically revise Section 18-4, entitled "Smoking Prohibited in Outdoor Areas in the Park," as follows:

**Sec. 18-4. Smoking prohibited in ~~outdoor areas~~ in Town parks.**

It shall be unlawful for any person to smoke cigarettes, filtered cigars, pipers or any other tobacco, tobacco products, nicotine vaporizers, electronic cigarettes, liquid nicotine, or any other smoking apparatus within any park owned by the Town

{00578753.1 3399-0000000 }

**CODING:** Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.

~~of Pembroke Park. In accordance with Sec. 386.209, F.S., as may be amended from time to time, this prohibition shall not apply to unfiltered cigars. on playing fields and playgrounds, bleacher areas, dugouts, around team seating areas, concession areas, restrooms, or any other areas not specifically designated as a permitted smoking area within any park owned and operated by the Town of Pembroke Park. A11 designated smoking areas will be specifically designated by signs that "smoking is not prohibited" in that area.~~

**Section 4** It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 5.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 6.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

{00578753.1 3399-0000000 }

**CODING:** Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.

**Section 7.** This Ordinance shall become effective upon passage and adoption.

{00578753.1 3399-0000000 }

**CODING:** Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF  
PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2023.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF  
PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

ATTEST:

\_\_\_\_\_  
MAYOR ASHIRA MOHAMMED

\_\_\_\_\_  
MARLEN D. MARTELL  
Town Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
JACOB G. HOROWITZ  
Interim Town Attorney

VOTE

ASHIRA MOHAMMED \_\_\_\_\_

ERIK MORRISSETTE \_\_\_\_\_

WILLIAM R. HODGKINS \_\_\_\_\_

MUSFIKA KASHEM \_\_\_\_\_

GEOFFREY JACOBS \_\_\_\_\_

{00578753.1 3399-0000000 }

**CODING:** Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.