

Prepared by: City Clerk

**ORDINANCE NO. 2022-30**

**AN ORDINANCE OF THE CITY OF VENICE FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 46, PARKS AND RECREATION, ARTICLE III, CONDUCT IN PARKS, SECTION 46-62, GENERAL RULES AND REGULATIONS FOR ALL PARKS, BEACHES AND RECREATIONAL AREAS; BY PROHIBITING SMOKING EXCEPT AS EXEMPTED BY THE FLORIDA LEGISLATURE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City provides public parks, public beach accesses, public beaches, and other public places for the enjoyment of the City's residents and visitors; and

**WHEREAS**, these City public parks and public beaches are natural and environmentally sensitive lands which are vulnerable to the impacts from litter and waste; and

**WHEREAS**, the City finds it is in the best interest of the public to regulate activities within public parks, public beach accesses, public beaches, and other public places; and

**WHEREAS**, of July 1, 2022, the Florida Legislature amended Florida Statutes, Section 386.209, by eliminating the statutory preemption that prohibited local governments from regulating smoking at public beaches and parks; and

**WHEREAS**, City Council finds the proposed amendment is in the best interest of the health, safety, and welfare of citizens of the City of Venice and to protect the natural environment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** The above whereas clauses are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-62, General rules and regulations for all parks, beaches and recreational areas, is amended as follows:

**Sec. 46-62. General rules and regulations for all parks, beaches and recreational areas.**

(a) The following rules and regulations pertain to all city-owned, leased or operated parks, beaches and recreational areas:

(1) - (9) No changes.

(10) ~~The use of tobacco products is prohibited in all areas, within a defined perimeter, in areas used for organized youth athletic activities. The defined perimeter is the area that encompasses all athletic fields, spectator stands, concession areas, restroom areas, walking or congregating areas, and all intervening spaces. This area is often times, but not exclusively, outlined by perimeter fencing with gates at points of entry. A youth athletic organization or league is defined as an organization which contracts with the county division of parks and recreation, to conduct activities related to youth~~

~~athletic leagues, including athletic practices and games, meetings, clinics, and demonstrations, on a regularly scheduled basis (e.g., baseball, football, soccer, softball).~~ Smoking is prohibited, except as exempted by the Florida Legislature (unfiltered cigars) pursuant to F.S. § 386.209, as may be amended.

(11) - (13) No changes.

(b) No changes.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4.** If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 5.** This ordinance shall take effect immediately upon its approval and adoption, as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 13<sup>TH</sup> DAY OF DECEMBER 2022.**

First Reading: November 29, 2022

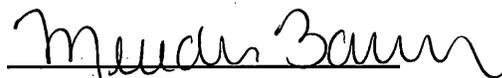
Final Reading: December 13, 2022

Adoption: December 13, 2022



Nick Pachota, Mayor

ATTEST:

*for*   
Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 13<sup>th</sup> day of December 2022, a quorum being present.

**WITNESS** my hand and the official seal of said City this 13<sup>th</sup> day of December 2022.

*for* Mercedes Barcia  
Kelly Michaels, MMC, City Clerk  
Mercedes Barcia, Deputy City Clerk

Approved as to form:

Kelly  
Kelly Fernandez, City Attorney