

CITY OF INDIAN ROCKS BEACH

ORDINANCE NO. 2012-17

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 38, PARKS AND RECREATION; BY ADDING A NEW ARTICLE, TO BE NUMBERED ARTICLE VI, TOBACCO-FREE PARKS; BY ADDING A NEW SECTION TO BE NUMBERED 38-150, CIGARETTES, CIGARS, AND TOBACCO PRODUCTS PROHIBITED, OF THE CODE OF ORDINANCES; BY PROVIDING FOR THE PROHIBITION OF SMOKING AT YOUTH ATHLETIC FACILITIES AND CHILDREN'S PLAYGROUNDS, PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Indian Rocks Beach City Commission believes that smoking and the effects of secondhand smoke are harmful to individuals and the general public, and

**WHEREAS**, the City Commission recognizes that Florida law preempts the regulation of smoking to the State Legislature with the one exception being youth athletic fields and facilities, and

**WHEREAS**, the City Commission believes it is necessary and in the public's best interest to prohibit the use of tobacco products in and around Indian Rocks Beach youth athletic facilities and children's playgrounds.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**Section 1.** Chapter 38, Parks and Recreation, of the Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended by adding an article, to be numbered Article VI, Tobacco-Free Parks, which article reads as follows:

**VI. TOBACCO-FREE PARKS**

**Section 2.** Chapter 38, Parks and Recreation, of the Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended by adding a section, to be numbered Section 38-150, Cigarettes, cigars, and tobacco products prohibited, which section reads as follows:

**Sec. 38-150. CIGARETTES, CIGARS AND TOBACCO PRODUCTS PROHIBITED.**

(a) The use of cigarettes, cigars or any tobacco product and smoking as defined in F.S. 386.203(10) shall be prohibited in and around the immediate area of any Indian Rocks Beach youth athletic field or facility and children's outdoor play areas. More specifically, this prohibition shall include:

- (1) All of Kolb Park including Campalong Field, the Skate Park, tennis courts and its' three children's playgrounds;
- (2) Brown Park including its' children's playground;

(3) 10<sup>th</sup> Avenue park including its' children's playground;

(b) Such prohibited areas shall be posted and all signage shall reference this ordinance.

**Section 3.** If any portion, part or section of this ordinance is declared invalid, the valid remainder hereby shall remain in full force and effect.

**Section 4.** All ordinances, parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

**Section 5.** This ordinance shall become effective as of the date of final passage as allowed by law.

**ADOPTED ON FIRST READING** by the City Commission of the City of Indian Rocks Beach, Florida, held on the 19<sup>th</sup> of September, 2012.

**PUBLISHED THIS** 29<sup>th</sup> day of September, 2012.

**ADOPTED ON SECOND READING AND FINAL READING** this 9<sup>th</sup> day of October, 2012.

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R.B. Johnson, Mayor-Commissioner

ATTEST: \_\_\_\_\_

Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

BY: \_\_\_\_\_

Maura J. Kiefer, City Attorney

CSC/dor