

ORDINANCE 03-2024

AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTION 12-2, CHAPTER 12, ARTICLE I, OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENOR'S ERRORS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 386.209, Florida Statutes, preempts regulation of smoking to the State and supersedes any county or municipal ordinance on the subject, except that counties and municipalities may restrict smoking within the boundaries of any public beaches and public parks they own with the exception of restrictions on the smoking of unfiltered cigars, which is preempted to the State; and

WHEREAS, cigarette butts are one of the most commonly found items of litter on Florida's beaches: and the litter caused by those who improperly dispose of filtered cigars and cigarette butts, or other tobacco products on the City's public beaches and public parks is difficult to remove, can cause ingestion hazards to wildlife, can significantly detract from a healthy environment, and reduce the enjoyment of the City's public beaches and parks for those individuals and families who want to enjoy a healthy environment, free of smoking-related pollution and hazards; and

WHEREAS, the Mayor and City Council desire to protect the aesthetic beauty and environmental health of the City's public parks and beaches; and

WHEREAS, the Mayor and City Council find that this Ordinance serves the public interest and is necessary and appropriate to protect the health, safety, and welfare of its citizens and visitors; and

WHEREAS, Section 12-2, Chapter 12, Article I of the Code of Ordinances, provides for rules for behaviors within the city's parks.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, Florida, as follows:

SECTION 1. – RECITALS

The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by this reference.

SECTION 2. – AMENDMENTS TO SECTION 12-2, CHAPTER 12, ARTICLE I, OF THE CODE OF ORDINANCES.

- A. Words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.
- B. Section 12-2, Chapter 12, Article I, of the City of Gulf Breeze Code of Ordinances is hereby amended and restated to read as follows:

Sec. 12-2. Park rules and regulations adopted herein or by reference.

- (a) Any regulations of the city parks and recreation areas, including but not limited to swimming areas and boat ramps, shall become a part of this chapter by reference. Such rules are on file in the clerk's office.
- (b) Smoking and use of vapor-generating devices is prohibited in public parks within the city limits of the City of Gulf Breeze with the exception of unfiltered cigars.
- (c) Any person cited for violation of subsection (b) shall be deemed to be charged with a noncriminal infraction. The civil penalty for any such infraction shall be twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense. The procedures for payment of or contesting the charge shall be the same as Section 2-157, Chapter 2, Article VI.

SECTION 3 – SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

SECTION 4 – CONFLICT.

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance, resolution, policy, or portion thereof in conflict with the terms hereof.

SECTION 5 – CODIFICATION AND CORRECTION OF SCRIVENOR’S ERRORS.

It is the intention of the City Council that the provisions of this Ordinance shall be codified and that sections of this Ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager or their designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 6 - EFFECTIVE DATE.

This Ordinance shall become effective upon passing after the second reading by the City Council.

PASSED ON THE FIRST READING ON THE 20th DAY OF MAY 2024.

ADVERTISED ON THE 23rd OF MAY 2024.

PASSED ON THE SECOND READING ON THE 3rd DAY OF JUNE 2024.



CITY OF GULF BREEZE

By: Cherry Fitch
Cherry Fitch, Mayor

ATTESTED TO BY
Leslie Guyer
Leslie Guyer, CMC, City Clerk