



Cover Memorandum/Staff Report

File #: 22-1032

Agenda Date: 8/16/2022

Item #: 8.C.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: August 9, 2022

ORDINANCE NO. 25-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 101, "PARKS, BEACHES, AND RECREATION", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, SECTION 101.36, "ADDITIONAL RULES APPLYING TO PARKS, RECREATIONAL FACILITIES, AND THE MUNICIPAL BEACH", BY AMENDING SUBSECTION (H) "SMOKING" TO PROHIBIT SMOKING CERTAIN TOBACCO PRODUCTS ON THE MUNICIPAL BEACH AND IN PUBLIC PARKS, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Motion to Approve Ordinance No. 25-22.

Background:

Chapter 31 of the Code of Ordinances ("Code"), "City Officials and Employees," Section 31.02, "Parks, Beaches, And Recreation," establishes the rules and regulation for the City's beaches and parks. While the Code prohibited smoking at the municipal beach, the City was unable to enforce Section 101.36 due to its preemption by the State. However, as of July 1, 2022, as a result of the passage of CS/HB 105, municipalities are authorized to restrict tobacco smoking, with the exception of unfiltered cigars, within the boundaries of public beaches and public parks.

Pursuant to the direction from the Commission June 7, 2022, the City Attorney's Office has amended Section 101.36 of the City's Code to prohibit smoking at public parks and at the municipal beach, while providing an exception for unfiltered cigars in accordance with Florida Statute.