

1 EXHIBIT 1

2
3 ORDINANCE NO.

4 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE
5 CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE CITY
6 CODE OF ORDINANCES SECTION 16-8, "PROHIBITED ACTIVITIES,"
7 TO ADD PROHIBITION OF SMOKING OR VAPING ON OR WITHIN ANY
8 PUBLIC PARK IN THE CITY, INCLUDING WITHIN THE BOUNDARIES
9 OF THE MUNICIPAL BEACHES; PROVIDING FOR CONFLICTS;
10 PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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12 WHEREAS, the Florida legislature previously enacted Section 386.209, F.S.,
13 which preempted to the state all local regulations relating to smoking; and

14 WHEREAS, in 2022, the Florida Legislature amended Section 386.201, F.S., now
15 known as "The Florida Clean Air Act," which no longer preempts the regulation of smoking
16 from local government on public parks and public beaches; and

17 WHEREAS, consistent with Florida Statutes 386.201, the City of Hallandale Beach
18 wishes to join other Florida municipalities in protecting the health, safety and welfare of
19 its residents, and in helping to reduce litter of nondegradable cigarette butts, and seeks
20 to amend its code to prohibit smoking and vaping in City Parks and City beaches; and

21 WHEREAS, the Florida Legislature provides a preemption exception to
22 enforcement: the City cannot further regulate the smoking of unfiltered cigars; and

23 WHEREAS, the City desires to protect the health, safety and welfare of its
24 residents, as well as the environment, and seeks to amend its Code to prohibit smoking
25 and vaping in City parks, including on municipal beaches, other than for smoking of
26 unfiltered cigars.

27 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
28 CITY OF HALLANDALE BEACH, FLORIDA:

29 SECTION 1. Section 16-8, "Prohibited activities," of the City of Hallandale Beach
30 Code of Ordinances, shall be amended to include new sub-section 16-8 (24), as follows:

31 **Sec. 16-8. Prohibited activities.**

32 To ensure the enjoyment and safety of all users, the following activities are
33 prohibited in city parks:

- 34 (1) Set up tents, shacks or any other temporary shelter for the purpose of
35 overnight camping, nor shall any person sleep in a city park, nor shall any
36 person leave on premises after closing hours any movable structure or
37 special vehicle to be used or that could be for such purpose, such as
38 house trailer, camp trailer, camp vehicle, or such.
- 39 (2) Take part in or abet the playing of any games involving thrown or
40 otherwise propelled objects such as balls, stones, arrows, javelins or
41 model airplanes except in areas set apart for such forms of recreation.
42 The playing of rough or comparatively dangerous games such as football,
43 baseball and soccer is prohibited except on the fields and courts or areas
44 provided therefore.
- 45 (3) Conduct any games of chance such as raffles, bingo games, dice, or card
46 games for money; or hold drawings for prizes; or participate in any other
47 forms of gambling, with the exception of those penny-ante games of
48 chance specifically enumerated in F.S. § 849.085 under the conditions
49 specified.
- 50 (4) Conduct any commercial activity without the prior written approval from
51 the city.
- 52 (5) Bring a weapon or firearm into a city park in violation of F.S. § 790.01.
- 53 (6) Engage in any activity that is or may be dangerous to the health, safety or
54 welfare of themselves or others.
- 55 (7) Engage in any activity that interferes with the use and enjoyment by
56 others.
- 57 (8) Use, distribute, or possess with the intent to use or distribute any illegal
58 substance.
- 59 (9) Engage in any violent activity.
- 60 (10) Possess any glass bottles in any city park.
- 61 (11) Possess or operate a motor in any city park without prior written approval
62 from the city.
- 63 (12) Sell any merchandise, food, or drink without a permit authorizing the sale
64 of the items issued by the city or an agreement entered into by the city.
- 65 (13) Sell, consume, or possess alcoholic beverages except as provided in this
66 article or in City Code chapter 5, alcoholic beverages, section 5-8, drinking
67 on public property.
- 68 a. During a special event where the city has given written permission for the
69 sale, consumption, and/or possession of alcoholic beverages, provided
70 that:

- 71 1. The applicant has received a permit from the city or, if the city is the
72 applicant;
- 73 2. That adequate safeguards will be taken to ensure that no breach of the
74 peace or littering will be permitted to occur as a result of the sale,
75 consumption and possession of alcoholic beverages;
- 76 3. That such use abides by all local and state laws regarding the sale,
77 consumption, and/or possession of alcoholic beverages.
- 78 b. The sale of alcoholic beverages may be permitted to private entrepreneurs
79 who develop and/or operate facilities upon premises leased from the city
80 for food service as the city deems appropriate.
- 81 (14) Bring or have in his/her possession, or set off or otherwise cause to
82 explode or discharge or burn, any fireworks or explosives of inflammable
83 material, or discharge them or throw them into any such area from land or
84 highway adjacent thereto. This prohibition includes any other substance or
85 compound [that] would be dangerous from any of the foregoing
86 standpoints. Special permits may be issued by the city manager for
87 firework displays, subject to approval from the fire rescue department of
88 the city.
- 89 (15) Build or attempt to build a fire except in city provided containers such as
90 barbeque grills and other cooking devices in areas and under such
91 regulations as may be designated by the director. No person shall drop,
92 throw or otherwise scatter lighted matches, burning cigarettes or cigars,
93 tobacco paper or other inflammable materials, within any city park or on
94 any highway, road or street abutting or contiguous thereto.
- 95 (16) Enter an area posted as "closed to the public," nor shall any person use,
96 or abet the use of, any area in violation of posted notices.
- 97 (17) Sleep on the seats or benches or other areas.
- 98 (18) Engage in loud, boisterous, threatening, abusive or insulting language, or
99 engage in any disorderly conduct or behavior.
- 100 (19) Fail to produce and exhibit any permit, upon request of any authorized
101 person who shall desire to inspect the permit for the purpose of enforcing
102 compliance with any ordinance or rule.
- 103 (20) Disturb or interfere unreasonably with any person or party occupying any
104 area, or participating in any activity, under the authority of a permit.
- 105 (21) Paste, glue, tack or otherwise post any sign, placard, advertisement or
106 inscription whatever, nor shall any person erect or cause to be erected
107 any sign whatever, on any city park or highways or roads adjacent to a city
108 park except by written permission of the director.
- 109 (22) Make, continue, or cause to be made or continued any loud, unnecessary
110 or unusual noise or any noise which either annoys, disturbs, injures or

111 endangers the comfort, repose, health, peace or safety of others in
112 compliance with the city noise ordinance [sections 19-18—19-21].

113 (23) Trespass on any city park.

114 (24) Smoke or vape.

115 a. It is unlawful for any person to vape or to smoke any tobacco product,
116 except unfiltered cigars, within any city park and recreational areas
117 or beaches.

118 b. Vaping is defined as the use of vapor-generating electronic devices
119 for breathing in or inhaling tobacco products.

120 **SECTION 2. Providing for Conflict.** All ordinances or parts of ordinances and all
121 resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent
122 of the conflict.

123 **SECTION 3. Providing for Severability.** If this ordinance or any part thereof is
124 declared by a court of competent jurisdiction to be invalid, such decision shall not affect
125 the validity of the remainder of the ordinance other than the part declared to be invalid.

126 **SECTION 4. Providing for an Effective Date.** This ordinance shall take effect
127 immediately upon adoption.

128 PASSED AND ADOPTED on 1st reading on _____

129 PASSED AND ADOPTED on 2nd reading on _____

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136 SPONSORED BY: CITY ADMINISTRATION

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141 ATTEST:

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145 _____
CITY CLERK

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JOY F. COOPER
MAYOR

147 APPROVED AS TO LEGAL SUFFICIENCY AND
148 FORM

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150

151

152 JENIFER MERINO

153 CITY ATTORNEY