

ORDINANCE NO. 230-02-102

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 15, PARKS AND RECREATION, ARTICLE I, GENERAL, CREATING SECTION 15-6, SMOKING PROHIBITED IN PARKS; AMENDING CHAPTER 7 1/2, CODE ENFORCEMENT, ARTICLE I, GENERAL, SECTION 7 1/2-3, CIVIL VIOLATIONS OF CODE OF ORDINANCES OR LAND DEVELOPMENT REGULATIONS TO PROVIDE PENALTIES FOR CHAPTER 15 VIOLATIONS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER MELISSA P. DUNN)

WHEREAS, previously Florida Statutes, Section 386.209 preempted local governments from enacting ordinances, regulations or rules relating to smoking; and

WHEREAS, during the 2022 legislative session, the Florida Legislature passed CS/HB 105 effective July 1, 2022 amending Florida Statutes, Section 386.209 which now permits municipalities to restrict smoking within the boundaries of public parks they own, except that they may not restrict the smoking on unfiltered cigars; and

WHEREAS, the 2021 City of Lauderhill Community Needs Assessment reported that smoking is one of the most significant issues within the City of Lauderhill, with the adult smoking rate approximately 40% higher than within Broward County; and

WHEREAS, given the overarching health metrics outlined in the data report as aligned with the community survey data, attention to smoking cessation initiatives are essential and warranted; and

WHEREAS, exposure to second-hand smoke accounts for many health problems, cancers, and could lead to death; and

WHEREAS, in order to protect the health, safety and welfare of its residents and visitors, from second-hand smoke, the City wishes to enact legislation to prohibit smoking in public parks; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City of Lauderhill Code of Ordinances Chapter 15, Parks and Recreation, Article I., General, Section 15-6., Smoking prohibited in parks is hereby created to read as follows:

15-6. Smoking prohibited in parks.

- a. Smoking shall be prohibited in all city parks, with the exception of unfiltered cigars.
- b. Any violation of this section shall be a civil infraction subject to the penalties and enforcement set forth in section 7 1/2 -3.

SECTION 2. That the City of Lauderdale Code of Ordinances Chapter 7 1/2 , Code Enforcement, Article I., In General, Section 7 1/2-3, Civil violations of Code of Ordinances or Land Development Regulations, is hereby amended to read as follows:

Sec. 7 1/2-3. Civil violations of Code of Ordinances or Land Development Regulations.

- (a) *Violations and fines.* The following fines are imposed for uniform code citations issued for the following violations of the City Code and the Land Development Regulations, unless a specific penalty is otherwise set out within a specific subsection of the chapter:

(1) Code of Ordinances:

		Offense		
		First	Second	Third or more
	Section 4-21, Dog bites	\$100.00	\$250.00	\$500.00
	Chapter 6, Buildings and Building Regulations	75.00	150.00	250.00
	Chapter 9, Fire Protection and Prevention	75.00	150.00	250.00
	Chapter 10, Garbage and Trash	50.00	100.00	250.00
	Chapter 12, Licenses and Business Regulations	75.00	150.00	250.00
	Chapter 14, Offenses and Miscellaneous Provisions	50.00	100.00	250.00
	Section 14-63, Abandoned property	100.00	250.00	500.00
	<u>Chapter 15, Parks and Recreation</u>	<u>50.00</u>	<u>100.00</u>	<u>250.00</u>
(2)	Land Development Regulations:	100.00	250.00	500.00

- (b) *Civil infractions.* The violations set forth in section (a) are civil infractions for purposes of this section and any citations issued pursuant to this section.
- (c) *Issuance of uniform code citation.* The uniform code citation may be issued by a code enforcement officer, law enforcement officer, city ranger, or building official who has reasonable cause to believe that the recipient of the citation has committed an act in violation of the Code of Ordinances or the Land Development Regulations.
- (d) *Failure to contest fine.* The fines set forth in subsection (a) shall apply if the recipient of the uniform code citation voluntarily pays the fine without contesting same.
- (e) *Contest of citation.* The recipient of the uniform code citation may contest the violation in county court. In that event, the schedule of fines set forth in

subsection (a) shall not apply, and, upon conviction, a fine may be imposed not to exceed five hundred dollars (\$500.00) for each violation.

(f) *Procedure.*

- (1) The recipient of the uniform code citation shall have fifteen (15) days from the date of issuance of the citation to pay the fine as set forth in subsection (a) by making payment thereof to the office of the city cashier.
- (2) If payment is not made as set forth in subsection (f)(1), the uniform code citation shall be sent to the city attorney to be filed in county court, which shall follow its procedures for civil litigation. Failure to make payment as set forth in subsection (f)(1) shall be considered a contest of the uniform code citation by the recipient.

SECTION 3. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this ____ day of _____, 2023.

PASSED on first reading this ____ day of _____, 2023.

PASSED AND ADOPTED on second reading this ____ day of _____, 2023.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
R. MARTIN	_____	_____
K. THURSTON	_____	_____