

## ORDINANCE NO. 2025-03

**AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 17, STREETS, SIDEWALKS, PARKS AND PARKWAYS; AMENDING SECTION 17-31, CIGARETTES, ELECTRONIC CIGARETTES, AND TOBACCO PRODUCTS ON ATHLETIC FIELDS/FACILITIES, PARKS AND CHILDREN'S OUTDOOR PLAY AREAS PROHIBITED; EXCEPTONS TO PROHIBITIONS, ENFORCEMENT, REMEDIES AND PENALTIES; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council for the City of Gulfport, Florida has determined that it is in the best interest of the residents of the City of Gulfport to prohibit smoking of cigarettes, electronic cigarettes and tobacco products on Athletic Fields/Facilities, Parks, and Children's Outdoor Play Areas in the City of Gulfport; and

WHEREAS, the City Council for the City of Gulfport desires to provide enforcement, remedies and penalties for violating the smoking ban on the Athletic Fields/Facilities, Parks, and Children's Outdoor Play Areas in the City of Gulfport.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GULFPORT, FLORIDA AS FOLLOWS:**

**Section 1.** Chapter 17, Streets, Sidewalks, Parks and Parkways, Section 17-31. – Cigarettes, cigars, and tobacco products prohibited; enforcement, remedies and penalties is hereby amended as follows: Sec. 17-31 – **Cigarettes, electronic cigarettes, and tobacco products; enforcement, remedies and penalties** and shall read as follows:

- (a) The use of cigarettes, electronic cigarettes ~~cigars~~ or any tobacco products, with the exception of unfiltered cigars, within any athletic fields/facilities, [or] children's outdoor play areas is prohibited at any time, except in designated smoking areas. ~~The city shall provide designated smoking areas at all athletic fields/facilities and children's outdoor play areas which provide for visual access to said athletic fields, facilities and children's outdoor play areas.~~
- (b) City of Gulfport Police Officers and any other law enforcement or code compliance officer authorized to enforce city ordinances shall have the duty and authority to enforce the provisions of this article by the issuance of a citation or Notice to Appear to the alleged violator.

- (c) Notwithstanding any other provisions of this article for enforcement or penalties, the city may also enforce this article by actions at law or in equity for damages and injunctive relief, and, in the event the city prevails in any such action, the city shall be entitled to an award for its costs and reasonable attorney's fees.
- (d) Any person who violates this section is subject to a Class III fine, in accordance with the provisions of the City Code of Ordinances, Chapter I, and Pinellas County, plus any additional costs imposed by state or local law, including court costs that may be imposed as provided by law.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect immediately upon its passage and approval, consistent with all requirements of general law.

**Section 4.** The provisions of this ordinance shall become and be made a part of the City Code of Ordinances, and the sections of this ordinance may be renumbered and codified to accomplish this end.

**Section 5.** If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

FIRST READING : July 1, 2025

PUBLISHED : \_\_\_\_\_

SECOND READING/  
PUBLIC HEARING : \_\_\_\_\_

\_\_\_\_\_  
Karen Love, Mayor

I, Theresa M. Carrico, City Clerk of the City of Gulfport, Florida, do hereby certify the foregoing Ordinance was approved on First Reading in accordance with the provisions of law and the City Charter this 1<sup>st</sup> day of July, 2025.

ATTEST:

\_\_\_\_\_  
Theresa M. Carrico, City Clerk