

ORDINANCE NO. 15-2023

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA CREATING NEW SECTION 26-40 OF CHAPTER 26, ARTICLE II OF THE CODE OF ORDINANCES ENTITLED “SMOKING AND VAPING PROHIBITED”; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, tobacco products are the most littered item on the planet, containing over 7,000 toxic chemicals which pollute the environment when discarded; and

WHEREAS, products like cigarettes and e-cigarettes also add to the build-up of plastic pollution as cigarette filters contain microplastics and make up the second-highest form of plastic pollution worldwide; and

WHEREAS, in 2019, cigarette butts were the most littered item on U.S. beaches and waterways with close to a million pieces collected; and

WHEREAS, the costs of cleaning up littered tobacco products burden taxpayers; and

WHEREAS, preliminary studies show that organic compounds such as nicotine, pesticide residue, and metal seep from cigarette butts into aquatic ecosystems, becoming acutely toxic to fish and microorganisms; and

WHEREAS, secondhand smoke causes coronary artery disease, asthma attacks, heart disease, asthma attacks, heart attacks, stroke and lung cancer in adults, and Sudden Infant Death Syndrome, middle ear infections, bronchitis, asthma, pneumonia and low birth weight in children; and

WHEREAS, secondhand smoke is especially dangerous to children whose bodies are still developing and who are particularly vulnerable to the poisons of secondhand smoke; and

WHEREAS, prohibiting smoking and vaping in City parks frequented by children and adults will help to reduce the risks of exposure to secondhand smoke and serve as a means to improve health outcomes for residents and visitors to the City; and

WHEREAS, this ordinance is intended to protect the health, safety and welfare of City residents and visitors by prohibiting smoking and vaping in all City parks; and

WHEREAS, on July 1, 2022, the Florida Legislature enacted Section 386.209, Florida Statutes, which permits municipalities and counties to restrict smoking and vaping on their local beaches and in parks as set forth therein; and

WHEREAS, the City Council desires to protect the health, safety, and welfare of its residents and visitors by prohibiting smoking and vaping in all parks located within City limits; and

WHEREAS, Article VIII, Section 2, of the Florida Constitution and Section 166.021 (1), Florida Statutes, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Seminole, Florida, that:

Section 1. Chapter 26, Article II, Section 26-40 is hereby created to read as follows:

Sec. 26-40. – Smoking and vaping prohibited.

- (a) Smoking and vaping are public health and environmental nuisances and are strictly prohibited in all public parks located within the city, with the exception of the smoking of unfiltered cigars.
- (b) Any signage installed by the city prohibiting smoking and vaping in public parks must state that “Smoking and vaping are prohibited except as provided in s. 386.209, Florida Statutes.”
- (c) Any violation of this section may be enforced pursuant to s. 1-15 of this Code.

Section 2. For purposes of codification of the Code of Ordinances, City of Seminole, Florida, words **underlined** represent new text or additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

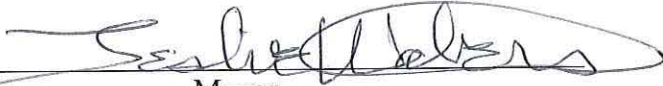
Section 3. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand and survive any severed provision, as the City Council would have adopted the Ordinance even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to Code of Ordinances, City of Seminole, Florida contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses or any other sections not designated for codification.

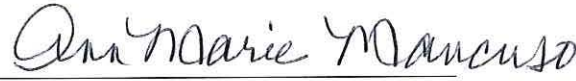
Section 5. Pursuant to § 166.041 (4), Fla. Stat., this Ordinance shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 10th day of October, 2023.

CITY OF SEMINOLE, FLORIDA

By: 
Mayor

ATTEST: CITY CLERK

By: 



Business Impact Estimate

Proposed ordinance's title/reference: **Ordinance No. 15-2023**

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **The proposed ordinance prohibits smoking and vaping in all parks located within City limits pursuant to Sec. 386.209, Fla. Stat., and serves the public health by reducing or eliminating the risks of exposure to secondhand smoke to all users of the City's parks.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

The proposed ordinance is an ordinance of general applicability that applies to all persons visiting City parks.