

ORDINANCE NO. 2022- _____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 205.03 (RULES AND REGULATIONS) OF CHAPTER 205 (PARKS AND RECREATION) OF THE CODE OF INDIAN RIVER COUNTY IN ORDER TO PROHIBIT CERTAIN SMOKING ACTIVITIES AT COUNTY OWNED PARKS CONSISTENT WITH STATE STATUTE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has amended section 386.209, Florida Statutes to allow for counties to restrict smoking within the boundaries of any public beach and public park that the county owns, except that the county may not restrict the smoking of unfiltered cigars; and

WHEREAS, organizations like Coastal Connections and Keep Indian River Beautiful collect over 22,000 cigarette butts per year from County beaches; and

WHEREAS, cigarette butts, cigarette tips, E cigarettes, and tobacco packaging are the most common pollutants found on County parks and beaches; and

WHEREAS, contaminants and residues from cigarettes and E cigarettes negatively impact the environment by taking up to 10 years to degrade; and

WHEREAS, the Board of County Commissioners wishes to prohibit smoking at public beaches and County owned public parks to the extent authorized by statute,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

Section 1. Enactment Authority.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

Section 2. Amendment of Section 205.03 (Rules and regulations).

New language indicated by underline, and deleted language indicated by ~~strike through~~.

Section 205.03 (Rules and regulations) of Chapter 205 (Parks and Recreation) of the Code of Indian River County, Florida is hereby amended to read as follows:

CHAPTER 205 – PARKS AND RECREATION

* * *

Section 205.03. – Rules and regulations.

* * *

(28) Smoking. Smoking at any public beaches and County owned public parks shall be prohibited. This does not apply to the smoking of unfiltered cigars.

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Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 5. Codification. It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 6. Effective Date. This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 9th day of December, 2022, for a public hearing to be held on the 20th day of December, 2022, at which time it was moved for adoption by Commissioner __, seconded by Commissioner _____, and adopted by the following vote:

Chairman Joseph H. Earman	_____
Vice-Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this ___ day of _____, 2022.

**BOARD OF COUNTY
COMMISSIONERS OF INDIAN RIVER
COUNTY, FLORIDA**

By: _

Joseph H. Earman, Chairman

**ATTEST: Jeffrey R. Smith, Clerk
and Comptroller**

By: _____
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the _____
day of _____, 2022