

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 561.14**

**AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING PART II, CHAPTER 14, OF THE TOWN'S CODE OF ORDINANCES BY ADDING A NEW ARTICLE V ENTITLED "CLEAN AIR;" PROVIDING STANDARDS FOR A SMOKE-FREE PUBLIC ENVIRONMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Golden Beach Florida (the "Town Council") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations implementing municipal goals and objectives; and

**WHEREAS**, the Town Council recognizes the well-established and well-founded fact that smoking and, in particular second-hand smoke, directly impacts the health, safety and welfare of all individuals including the residents of the Town; and

**WHEREAS**, the town Counsel wishes to protect is citizens and all residents from the ill effects of second-hand smoke by prohibiting smoking in all public areas including within municipal buildings, grounds and all outdoor areas within the Town where Town residents enjoy both passive and active recreational activities.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

**Section 2. Amending Part II, Chapter 14.** That Part II, Chapter 14 of the Code of Ordinances of the Town of Golden Beach, Florida, is hereby amended to read as follows:<sup>1</sup>

**ARTICLE V. CLEAN AIR**

**Sec. 14-116. Prohibition On Smoking.**

- a) Smoking shall be prohibited in the following places within the Town:
  - i. All Municipal buildings and grounds including public parks; and
  - ii. All areas within the Town dedicated by plat for the use and benefit of the owners of land within the Town, including all parks, beaches, rights-of-way and other open spaces.
- b) Smoking for purposes of this Article means inhaling, exhaling, burning or carrying any lighted or heated, cigar, cigarette, pipe, tobacco, weed, plant or other combustible substance in any manner or other form including e-cigarettes or vapor devises.
- c) Violations of the smoking prohibition described in Section a) above shall be deemed a violation of the Code and shall be enforced by the Town under the provisions of Article VI of the Code.
- d) The foregoing regulation(s) shall be supplemental to and are not in any manner intended to supersede other State, County, or Federal regulations on the activity of smoking.

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<sup>1</sup> Changes between first and second reading are indicated with highlight, with additions between first and second reading shown in double underline. Deletions between first and second reading are shown in ~~double strikethrough~~.

**Section 3. Severability.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**Section 4. Conflicts.** To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Bernard Einstein	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

**PASSED AND ADOPTED** on first reading this 9th day of September, 2014.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Bernstein, seconded by Councilmember Lusskin, and on roll the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Bernard Einstein	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

**PASSED AND ADOPTED** on second reading this 23<sup>rd</sup> day of September, 2014.

  
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MAYOR GLENN SINGER

ATTEST:

  
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LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

*for*   
\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY