

**ORDINANCE NO. 012-2022**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION, ARTICLE II, DIVISION 3., REGULATION OF USE OF PUBLIC BEACHES, SECTION 74-193, DRINKING TO RETITLE SAID SECTION TO READ DRINKING AND SMOKING SO AS TO PROHIBIT DRINKING OF INTOXICATING BEVERAGES AND SMOKING OF CIGARETTES OR ANY TOBACCO PRODUCT WITH THE EXCEPTION OF UNFILTERED CIGARS UPON THE PUBLIC BEACHES IN THE TOWN; FURTHER, CREATING A NEW ARTICLE VII TITLED SMOKING IN PUBLIC PARKS, CREATING A NEW SECTION 74-284 TITLED PROHIBITION OF SMOKING, SO AS TO PROHIBIT THE SMOKING OF CIGARETTES OR ANY TOBACCO PRODUCT EXCEPTING UNFILTERED CIGARS IN THE PUBLIC PARKS IN THE TOWN; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH AS FOLLOWS:

**Section 1.** Chapter 74, Parks and Recreation, Article II, Division 3, Regulation of Use of Public Beaches is hereby amended at Section 74-193, Drinking to read as follows:

**74-193- DRINKING AND SMOKING**

**No person shall drink intoxicating beverages or smoke cigarettes or other tobacco products; excepting unfiltered cigars, upon the public beaches within the Town. This provision shall not apply to private property owners or their authorized guests while on their respective private properties.**

**Section 2.** There is hereby created within Chapter 74, Parks and Recreation a New Article VII titled Smoking In Public Parks and a new section 74-284 to be titled Smoking In Public Parks Prohibited to read as follows:

**ARTICLE VII – SMOKING IN PUBLIC PARKS SECTION 74-284**

**Section 74-284. Smoking In Public Parks Prohibited. No Person shall smoke cigarettes or other tobacco products, excepting unfiltered cigars, within the public parks of the Town.**

**Section 3.** Penalty. Any person found guilty of a violation of this section shall be subject to the terms of Section 1-14 of this Code or, alternatively, the provisions of Chapter 2, Article V, Code Enforcement.

**Section 4.** Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 5.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 6.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 7.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of July, 2022, and for second and final reading this 9th day of August, 2022.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Edward A. Cooney, Town Council Member

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Pat Gayle-Gordon, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member