

ORDINANCE #2007- 23

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING A NEW SECTION ENTITLED "SMOKING PROHIBITED IN CITY PARKS;" PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral, Florida desires to create a new section of the Code of Ordinances to provide for maintaining the beauty and integrity of open-air, outdoor City parks within the City of Doral; and

WHEREAS, the City Council recognizes that the smoke emitted from cigarettes, pipes or other smoking apparatuses can be offensive and cause annoyance and injury to non-smokers who do not wish to inhale the smoke emitted from tobacco being burned, even when outdoors; and

WHEREAS, cigarettes once consumed in public parks, are often discarded on the ground, thereby diminishing the beauty of the City's parks and recreational facilities; and

WHEREAS, cigarette butts, when discarded on the ground require the City to incur additional expense in maintaining its public parks and other natural resources; and

WHEREAS, the City Council determines that the prohibition of smoking in the City's public parks serves to protect the health, safety and welfare of the citizens and residents of Doral; and

WHEREAS, the City Council determines that the prohibition of smoking in the City's public parks serves to protect the health, safety and welfare of the citizens and residents of Doral; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. That a new Section, entitled "Smoking Prohibited in Outdoor Areas in City Parks," of the City of Doral Code of Ordinances is hereby created to read as follows:

Smoking Prohibited in Outdoor Areas in City Parks.

(1) Smoking shall be prohibited in all developed City parks, with the exception of parking lots and expressly designated areas, if any.

(2) The City may, at its sole discretion, allow smoking in parks during designated events.

(3) A code enforcement or law enforcement officer may issue a citation to any person in violation of the provisions of this section.

(4) Penalty. Any person issued a citation pursuant to this section shall be deemed to be charged with a civil infraction. A fine of fifty dollars (\$50.00) shall be assessed for each violation of this section. Furthermore, any person that refuses to comply with this ordinance may be suspended from the park for thirty (30) days.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code, as made applicable to the City through Section 8.03 of the City Charter conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED AND ADOPTED on FIRST READING this 12th day of December, 2007.
PASSED AND ADOPTED on SECOND READING this 9th day of January, 2008.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JOHN J. HEARN, CITY ATTORNEY