

PROPOSED
ORDINANCE NO. 56-22
ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 6-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING SMOKING AND USE OF VAPOR-GENERATING DEVICES WITHIN CITY OF PENSACOLA PUBLIC PARKS; PROVIDING GRAMMATICAL AMENDMENT CLARIFYING (a); PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 6-3-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 6-3-2 Rules and regulations generally.

- (a) The parks and recreation director may adopt rules and regulations for the reasonable and proper use of, and for preventing injuries to or misuse of, city parks and their appurtenances and park property, and to prevent disorder and improper conduct within the precincts of such park.
- (b) Any rules and regulations when published or posted in the park shall have the same effect as ordinances, and any violations thereof shall be punished as provided for in section 1-1-8 except as otherwise provided herein.
- (c) The hours of the parks are sunrise to sunset, unless otherwise posted.
- (d) Smoking and use of vapor-generating devices is prohibited in public parks within the city limits of the City of Pensacola with the exception of unfiltered cigars.
- (e) Any person cited for violation of subsection (d) shall be deemed to be charged with a noncriminal infraction. The civil penalty for any such infraction shall be Twenty-Five dollars (\$25.00) for the first offense and Fifty dollars (\$50) for each subsequent offense. The procedures for payment of or contesting the charge shall be the same as those provided in Sections 8-2-2 (b) through (d) and (f) through (g) of the Code of Ordinances.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____

President of City Council

Attest:

City Clerk