

**CITY OF MARCO ISLAND
ORDINANCE 05-11**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND,
FLORIDA AMENDING ORDINANCE NO. 04-19
“ESTABLISHING RULES FOR THE USE OF CITY
OWNED PARKS” BY ADDING SECTION 3(t)
“TOBACCO PRODUCTS”; PROVIDING FOR
CONFLICT AND SEVERABILITY; PROVIDING FOR
INCORPORATION IN THE CODE OF ORDINANCES;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Marco Island has been granted broad home rule powers under Article VIII, §2(b) of the Florida State Constitution and Section 166.021, Florida Statutes; and

WHEREAS, the City of Marco Island owns and administers parks and other recreational facilities; and

WHEREAS, the City Council recognizes the need to establish rules for the general public’s use of the parks and recreational facilities owned by the City of Marco Island; and

WHEREAS, the City Council adopted Ordinance 04-19, which ordinance established rules regulating City parks; and

WHEREAS, the City Parks and Recreation Advisory Committee has reviewed the proposed amendment and recommends that City Council approve an amendment to Ordinance 04-19 pertaining to tobacco products; and

WHEREAS, pursuant to the Charter for the City of Marco Island and Florida law, the City Council has the power to adopt and amend ordinances as may be required for the good government of the City; and

WHEREAS, it has been determined that the adoption of the ordinance amending Ordinance 04-19 is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Ordinance 04-19 is hereby amended to add the following to Section 3:

(t) Tobacco Products.

No person shall be permitted to smoke cigarettes, cigars and/or pipes or consume any other tobacco products in City parks except in those locations specifically designated for the above purposes and hereinafter referred to as "Smoking Areas".

- (1) The City Council shall designate specific Smoking Areas within each park by resolution. At no time shall the following areas be designated as Smoking Areas:
 - a) Children's playgrounds or any area within 50 feet of children's playgrounds
 - b) Entrances to park buildings
 - c) Athletic fields, player benches, dugouts or scorekeeper's booths
- (2) Signs shall be posted stating that tobacco products are only permitted in designated Smoking Areas.
- (3) Smoking Areas shall be furnished with benches or picnic tables, a trash receptacle and a cigarette disposal receptacle

SECTION 2. Incorporation, Conflict and Severability.

(a) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

(b) All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

(c) If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the validity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 3. Effective Date. This ordinance shall take effect immediately upon approval by the Marco Island City Council on second reading and public hearing.

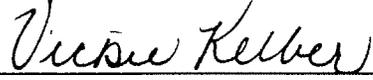
Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 19th day of September, 2005.

Attest:



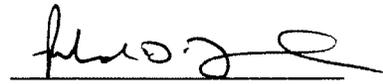
Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

Vickie Kelber, Chairwoman

Approved as to form and legal sufficiency:



Richard D. Yovanovich
City Attorney

