

**ORDINANCE NO. 2018-2140**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 14 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO MISCELLANEOUS OFFENSES; PROVIDING FOR A NEW ARTICLE VI THEREOF, PERTAINING TO SALE OF SMOKING DEVICES; PROVIDING DEFINITIONS OF TERMS; PROVIDING DISPLAY REQUIREMENTS; PROVIDING FOR SIGNS; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, within the City limits of the City of New Port Richey, Florida is a recurring condition which has resulted in harm to the citizens of the City;

WHEREAS, the sale of drug paraphernalia in retail stores by licensed tobacco vendors is a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, this ordinance provides for limited application and restrictions of the sale of the limited merchandise identified herein;

WHEREAS, minors are exposed to the sale of the types of drug paraphernalia identified herein in stores that sell other merchandise desired by minors;

WHEREAS, the sale of drug paraphernalia to minors is prohibited by state law;

WHEREAS, the smoking devices defined in this ordinance constitute drug paraphernalia as defined by state law;

WHEREAS, the City Council finds it necessary to warn citizens of the existence of drug paraphernalia in stores that sell other general merchandise, and to require such paraphernalia to be generally out of view to minors;

WHEREAS, this ordinance is enacted in accordance with the City's police power to provide for the protection of its citizens; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA  
HEREBY ORDAINS:**

**Section 1. Chapter 14 of the Code of Ordinances, pertaining to miscellaneous offenses, is hereby amended to add Article VI thereto, pertaining to the sale of smoking devices, as follows (strikeout text is deleted and underlined text is added):**

**ARTICLE VI. - SALE OF SMOKING DEVICES**

**Sec. 14-60. - Definitions.**

For purposes of this Article, the term “smoking device” shall be defined to include the following:

- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic smoking pipes, with or without screens, permanent screens, or punctured metal bowls;
- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Chamber pipes;
- (e) Carburetor pipes;
- (f) Electric pipes;
- (g) Air-driven pipes;
- (h) Chillums;
- (i) Bongs; and
- (j) Ice pipes or chillers.

**Sec. 14-61. – Display of Smoking Devices.**

All smoking devices, as defined herein, offered for sale by any vendor possessing a valid retail tobacco products dealer permit issued by the State of Florida, shall be displayed in a single concentrated area accessible only to employees of the vendor, and shall not be located in a glass or open case or shelf within three (3) feet of an area where the general public or customers of the vendor are authorized to be.

**Sec. 14-62. – Sign Required.**

Any vendor possessing a valid retail tobacco products dealer permit issued by the State of Florida who sells or offers for sale smoking devices, as defined herein, shall place a sign at the entrance to the retail establishment, which shall:

- (a) be located within 24 inches of the main customer entrance to the establishment;
- (b) be hung no less than 54 inches above the ground and no more than 72 inches above the ground;

- (c) be written in block letters at least four (4) inches tall in all capital letters in dark print against a white background;
- (d) constructed of solid material; and
- (e) read: "WARNING - DRUG PARPHERNALIA IS SOLD ON THESE PREMISES"

Sec. 14-63. - Enforcement.

This article shall be enforced as provided in this Code of Ordinances or in any manner allowed by law. Any violation hereof shall be punishable by a fine of up to \$500.00 per offense.

**Section 2. Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

**Section 3. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 4. Effective Date.** This ordinance shall take effect 90 days after its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 19<sup>th</sup> day of June, 2018, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 3<sup>rd</sup> day of July, 2018.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE  
SOLE USE AND RELIANCE OF THE CITY OF NEW  
PORT RICHEY, FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney