

ORDINANCE NO. 2019-2149

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 13 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO LICENSES AND BUSINESS REGULATION; PROVIDING FOR A NEW ARTICLE XII THEREOF, PERTAINING TO BATHHOUSES; PROVIDING FOR PROHIBITION OF BATHHOUSES WITHIN THE CITY; PROVIDING DEFINITIONS OF TERMS; PROVIDING PROHIBITED ACTIVITIES; 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 problem with prostitution and human trafficking;

WHEREAS, such activities are a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, the operation of bathhouses has led to prostitution and human trafficking in conjunction therewith;

WHEREAS, the use of the City's police power is necessary to prohibit activities detrimental to the residents of the City; 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 in accordance with the City's police powers.

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

Section 1. Chapter 13 of the Code of Ordinances, pertaining to licenses and business regulation, is hereby amended by adding Article XII thereto, as follows (strikeout text is deleted and underlined text is added):

ARTICLE XII. – BATHHOUSES

Sec. 13-600. Purpose.

This article is intended to prohibit the operation of bathhouses in the City. Such uses have been primarily associated with illegal activities, including prostitution and human trafficking, and are detrimental to the health, safety and welfare of the citizens of the City.

Sec. 13-601. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apply, applies, applying, applied or application means to place or put upon another individual, with or without direct physical contact, by way of physically touching, spraying, or using a sponge, cloth, brush, or other device.

Bath means any washing, rinsing, wiping, or scrubbing of the structure of the living human torso through the application of water or other liquid for the sole purpose of cleansing.

Bathhouse means any establishment in the City having a business where a bath is applied by one person to another, or where any establishment engages in or carries on or permits to be engaged in or carried on any portion of the applying of a bath to another individual, provided that nothing contained in this definition shall be construed to include a legally operating hospital, nursing home, assisted/congregate living facility, home health care, medical clinic, physician, surgeon, physical therapist, chiropractor, osteopath, naturopath, or podiatrist.

Individual means a human being.

Property owner means any person who owns a property, to include any individual who has ownership in or is a managing member of any corporation, limited liability company, or partnership, which owns the property.

Torso means the trunk of the human body or the main part of the human body not including the head, arms, and legs, but includes the pelvic region and buttocks.

Sec. 13-602. - Prohibited activities.

- (a) It is unlawful to operate a bathhouse within the City.
- (b) No property owner shall lease or rent any property to any person or entity operating a bathhouse thereon or otherwise allow the operation of a bathhouse on said property.
- (c) It is unlawful for an individual to provide, offer or advertise to provide a bath to another individual in a bathhouse.

Sec. 13-603. – Enforcement.

This ordinance shall be enforced as otherwise provided in this Code of Ordinances, including the imposition of a fine of up to \$500.00 for each violation and imprisonment up to 60 days, or both. Whoever commits any violation of this article or aids, abets, counsels, hires, or otherwise procures any violation of this article to be committed, and such violation is committed or is attempted to be committed, is a principal and may be charged and punished for a violation of this article, whether or not he or she is actually or constructively present at the commission of the violation. Each day of a continuing violation shall constitute a separate violation. More than one (1) person may be held responsible for a single violation. Unless otherwise prohibited by law, nothing herein shall limit the ability to seek alternative enforcement methods to include administrative, civil, criminal, or quasi- criminal sanctions for a single violation.

Sec. 13-604. - Other Remedies.

Nothing contained herein shall prevent the city from taking such other lawful action in law and equity as may be necessary to remedy any violation of, refusal to comply with, any part of this article, including but not limited to:

- (a) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
- (b) Initiating an action to recover any and all damages that may result from a violation of, or refusal to comply with, any part of this article; and
- (c) Utilizing any other action or enforcement method allowable by law.

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 immediately upon 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 2nd day of January, 2019, 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 ____ day of _____, 2019.

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