

ORDINANCE NO. 2022-2259

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT ARTICLE III OF CHAPTER 14, SECTION 14-27, OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO CHRONIC NUISANCES; PROVIDING FOR THE DESIGNATION OF A SITE WITH THREE OR MORE OVERDOSES IN A SIX-MONTH PERIOD AS A CHRONIC NUISANCE; 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 of overdoses of people using narcotics, primarily consisting of opioids;

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

WHEREAS, the overdoses lead to death or near death experiences of the people involved;

WHEREAS, the administration of life-saving interventions is often necessary under emergency conditions in order to preserve life;

WHEREAS, certain locations within the City have recurring incidents of overdose events which are not adequately prevented by the operators of the subject properties, and which constitute a public nuisance; 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 14, Article III, Section 14-27 of the Code of Ordinances, pertaining to chronic nuisances and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Sec. 14-27. Activity constituting grounds for abatement.

A public chronic nuisance and grounds for abatement exist if:

- (1) Any place or premises has been used:

- a. On more than two (2) occasions within a six-month period, as the site of a violation of F.S. § 796.07;
 - b. On more than two (2) occasions within a six-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
 - c. On one (1) occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one (1) occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
 - d. By a criminal gang for the purpose of conducting criminal gang activity as defined by F.S. § 874.03;
 - e. On more than two (2) occasions within a six-month period, as the site of a violation of F.S. § 812.019, relating to dealing in stolen;
 - f. On more than two (2) occasions within a six-month period, as the site of a violation of any provision of section 6-157 or 6-158 of the City of New Port Richey Code of Ordinances or sections 15.00.00, 15.01.00, 15.01.01, and 15.01.02 of the City of New Port Richey Land Development Code; ~~or~~
 - g. On more than two (2) occasions within a ~~six~~ six-month period, as the site of a violation of any criminal offense of state or federal law punishable by a term of imprisonment exceeding one (1) year, regardless of whether a sentence providing imprisonment exceeding one (1) year is imposed; ~~or~~
 - h. On more than two (2) occasions within a six-month period, as the site of a violation of any criminal offense specifically enumerated in F.S. §§ 562.111, 767.12, 790.15(1), 800.03, 806.13, 823.01, 828.12, 843.20, and 877.02, or F.S. chs. 784, 796, 810, 812, 856, 874, and 893); or
 - i. On more than three (3) occasions within a six-month period, as the site of a drug overdose, resulting in the death of a person, or the administration of life-saving interventions to a person provided by the City's fire or police departments or others.
- (2) Any pain-management clinic, as described in F.S. § 458.3265 or F.S. § 459.0137, has been used on more than two (2) occasions within a six-month period as the site of a violation of:
- a. Section 784.011, 784.021, 784.03, or 784.045, Florida Statutes, relating to assault and battery;
 - b. Section 810.02, Florida Statutes, relating to burglary;
 - c. Section 812.014, Florida Statutes, relating to dealing in theft;
 - d. Section 812.131, Florida Statutes, relating to robbery by sudden snatching; or
 - e. Section 893.13, Florida Statutes, relating to the unlawful distribution of controlled substances, may be declared to be a public chronic nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

- (3) A place or premise has been the location of a violation of a City Code of Ordinances section either perpetually for a period of three (3) months or on more than two (2) occasions within a six-month period.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 3. 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 4. 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 5. 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 ____ day of _____, 2022, 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 _____, 2022.

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 CA Approved 2-4-22