

BOARD OF COUNTY COMMISSIONERS

DATE: August 7, 2012

AGENDA ITEM NO. 6

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature:

Subject:

Public Hearing and Approval of The Proposed Amendment to the Pinellas County Code Regarding Drug Paraphernalia.

Department:

Justice and Consumer Services

Staff Member Responsible:

Tim L. Burns, Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) RECEIVE PUBLIC COMMENT AND APPROVE THE PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY CODE REGARDING DRUG PARAPHERNALIA.

Summary Explanation/Background:

On July 24, 2012, the Board granted authority to advertise for and schedule a public hearing on the attached proposed ordinance on August 7, 2012.

Previously on October 11, 2005, the Board passed Resolution 05-195 creating the Drug Paraphernalia Abatement Task Force (DPATF). On October 10, 2006, the Board adopted Ordinance 06-73 amending Article IV of Chapter 86 of the Pinellas County Code by adding sections 86-105 through 86-110.

The amended ordinance will add a requirement that establishments selling the regulated products will be required to post signage announcing that such products are sold within the premises. The Task Force will be reconstructed for the upcoming year to review trends and actions within the community. They have reviewed the formulation of this ordinance and are in support of moving forward.

Fiscal Impact/Cost/Revenue Summary:

There is no fiscal impact to the County

Exhibits/Attachments Attached:

Contract Review Transmittal Slip
Underline Strike-Through Copy of the Ordinance
Clean Approved As-To-Form Copy of the Ordinance

CONTRACT REVIEW TRANSMITTAL SLIP


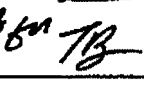
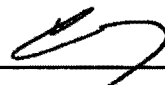

PROJECT: Amendment to the Pinellas County Code Regarding Drug Paraphernalia

BID / CONTRACT NO.: _____ ESTIMATED EXPENDITURE / REVENUE: None

In accordance with the policy guide for Contract Administration, the attached documents are submitted for your review and comment.

Upon completion of your review, please complete the Contract Review Transmittal Slip below and **forward to the next Review Authority on the list, skipping any authority marked "N/A."** Please indicate suggested changes by revising, in RED, the appropriate section(s) of the document(s) to reflect the exact wording of the desired change(s).

OTHER SPECIFICS RELATING TO THE CONTRACT:

<u>REVIEW SEQUENCE</u>	<u>DATE</u>	<u>INITIALS/ SIGNATURE</u>	<u>COMMENTS (IF ANY)</u>	<u>COMMENTS REVIEWED & ADDRESSED OR INCORPORATED</u>	<u>ORIGINATOR'S INITIALS & DATE</u>
Originator (Paul Melton)	07/09/12				
JCS (Tim Burns)	7/10/12				
Legal (Carl Brody)	7/10/12				
Assistant County Administrator (Carl Harness)	7/10/12				

All inquiries should be made to Paul Melton ext. 33460. Thank you.

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 86-107(A) BY REQUIRING ADDITIONAL SIGNAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS, pursuant to Resolution 05-195, the Pinellas County Board of County Commissioners created a Task Force to examine the impact of drug paraphernalia on illicit drug use in the County; and

WHEREAS, the Task Force received testimony from law enforcement officials, former drug users, drug abuse counselors, and owners and employees of establishments selling items of drug paraphernalia during their public hearings on this issue; and

WHEREAS, the Task Force deliberated over these questions and formulated a set of recommendations for consideration by the Board as required by Res. 05-195; and

WHEREAS, the Board of County Commissioners approved Ordinance 06-73 applying standards for the sale suggested by the Task Force with certain specific changes as determined necessary after public hearings; and

WHEREAS, Ord. 06-73 has been used by Pinellas County code enforcement and local law enforcement to enforce provisions of the Ordinance; and

WHEREAS, the Board of County Commissioners desires to provide additional protection to children and families entering establishments that sell drug paraphernalia; and

WHEREAS, requiring the posting of notice that an establishment selling drug paraphernalia within the premises will allow consumers to be aware of the nature of certain products sold inside; and

WHEREAS, requiring this information to be posted is a benefit to consumers in Pinellas County consistent with the Board of County Commissioners responsibility under the Pinellas County Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY THAT:

Section 1. Section 86-107(a) of the Pinellas County Code is amended to read as follows:

Sec. 86-107. - Drug paraphernalia; sales or display.

(a) *Restrictions.*

(1) No owner, manager, proprietor or other person in charge of any place of business selling or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia, simulated drugs or simulated controlled substances, for smoking, injecting or consuming any controlled substance, as defined in section 86-106, other than prescription drugs and devices to ingest or inject prescription drugs, shall allow or permit any minor to be, remain in, enter or visit such business unless such minor person is accompanied by one of his or her parents or by his or her legal guardian. ~~Such guardian. Such premises must display a sign as prescribed by the County, posted at the entrance, stating that drug paraphernalia is sold within the premises unless the establishment clearly and properly posts their own signage with lettering no less than three inches tall stating that no persons under 18 may enter the establishment which restricts access to juveniles with outwithout their parent or guardian.~~

~~Such premises must be clearly and properly marked with a sign posted at the entrance with letters not less than three inches tall stating that drug paraphernalia is sold within the premises.~~

Section 2. Severability.

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

Section 3. Effective Date.

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

Section 4. Areas Embraced.

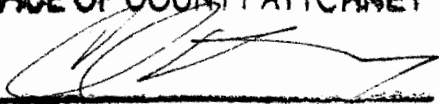
Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

Section 5. Codification.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By

A handwritten signature in black ink, appearing to be a stylized name, written over a horizontal line.

Attorney

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