



## Legislation Text

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**File #:** 2019-20, **Version:** 2

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### MOTION TO PASS PROPOSED ORDINANCE 2019-20 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE 2019-20 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING TITLE XV, "LAND USAGE," CHAPTER 155, "ZONING CODE," SECTION 155.146, COMMUNITY BUSINESS (B-2) DISTRICTS," BY SPECIFICALLY AMENDING SUBSECTION 155.146(B)(12), TO PROVIDE FOR THE SALE OF ELECTRONIC NICOTINE DISPENSING DEVICES AS AN ACCESSORY USE; AMENDING SECTION 155.146, "COMMUNITY BUSINESS (B-2) DISTRICTS," BY SPECIFICALLY AMENDING SUBSECTION 155.146(C)(12) OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES TO REMOVE THE SALE OF ELECTRONIC NICOTINE DISPENSING DEVICES AND NICOTINE PRODUCTS AS A PROHIBITED USE; AMENDING TITLE XIII, "GENERAL OFFENSES," CHAPTER 134, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY," BY SPECIFICALLY CREATING SECTION 134.10, "PROHIBITION OF SALE OR DISTRIBUTION OF ELECTRONIC NICOTINE DISPENSING DEVICES AND NICOTINE PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE," TO PROVIDE FOR PROHIBITION OF SALE AND DISTRIBUTION; PROVIDING FOR DEFINITIONS; AMENDING TITLE XIII, "GENERAL OFFENSES," CHAPTER 134, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY," BY SPECIFICALLY AMENDING SECTION 134.04, "SMOKING IN CERTAIN PUBLIC PLACES PROHIBITED," TO PROHIBIT THE USE OF AN ELECTRONIC NICOTINE DISPENSING DEVICE OR NICOTINE PRODUCT IN CERTAIN PUBLIC PLACES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

### **SUMMARY EXPLANATION AND BACKGROUND:**

1. The City Commission, at the October 2, 2019 meeting, discussed vaping and the sale of electronic nicotine dispensing devices as part of a Commission item introduced by Vice Mayor Siple.
2. The City Commission voted to direct the City Attorney to draft a letter to the Governor's office to request a health emergency, and to declare a temporary ban on all vaping products.
3. The City Commission, voted to direct the City Attorney's office to draft an ordinance limiting the sale of electronic nicotine dispensing devices and nicotine products (as the terms are defined in the attached proposed ordinance) to individuals 21 and over.
4. The City Commission directed the City Attorney's office to seek a legal opinion from the office of the Florida Attorney General regarding the validity of the proposed ordinance.
5. The proposed draft ordinance does the following:

- A. Amend § 155.46 - COMMUNITY BUSINESS DISTRICT
- B. Create § 134.10 - PROHIBITION OF SALE OR DISTRIBUTION OF ELECTRONIC NICOTINE DISPENSING DEVICES AND NICOTINE PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE
- C. Amend § 134.04 - SMOKING IN Certain PUBLIC PLACES PROHIBITED

- 6. The proposed ordinance also defines terms, establishes enforcement procedures and penalties.
- 7. Second and final reading of Proposed Ordinance No. 2019-20 has not been scheduled.

**FINANCIAL IMPACT DETAIL:**

- a) **Initial Cost:**None
- b) **Amount budgeted for this item in Account No:** Not Applicable
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable