

ORDINANCE NO. 190-07-113

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAUDERHILL, CHAPTER 12, BUSINESS REGULATIONS, ARTICLE XI, MISCELLANEOUS VIOLATIONS; AMENDING SECTION 12-184, SALE, DISPLAY, DISTRIBUTION, MANUFACTURE, STORAGE OR POSSESSION OF HERBAL INCENSE TO EXEMPT SUBSTANCES WITH CONTENT BELOW THE STATE LEGAL LIMITS (SUCH AS .3% THC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

SECTION 1. Chapter 12, Business Regulations, Article XI, Miscellaneous Violations, Section 12-184, is hereby amended to read as follows:

Sec. 12-184. - Sale, display, distribution, manufacture, storage or possession of herbal incense.

- (a) *Definition.* For the purpose of this article, the following words, terms and phrases shall have the meaning given herein, unless the context indicates otherwise:

Herbal incense means aromatic plant material, bath salts, oils, or potpourri containing or to which any ~~synthetic~~ chemical compound has been added for the purpose of mimicking the effects of a controlled substance and that is distributed in a loose, leafy, powder or granular form, or in compressed blocks that can be easily crushed to result in a powder or granular form, and can be placed into pipes, cigarette papers or other drug paraphernalia for purposes of ingestion by smoking, inhaling or other methods.

- (b) *Sale, display, distribution, manufacture, storage or possession prohibited.* It is unlawful for any person or entity to sell, offer for sale, display, distribute, manufacture, store, or possess herbal incense which contains any substance that exceeds the state legal levels, as may be amended from time to time, (for example, .3% of D9 Tetrahydrocannabinol (THC)), within the city.
- (c) *Enforcement.* This section may be enforced by any city code enforcement officer or police officer.
- (d) *Penalties.* Any person or entity found in violation of this section shall be punished as provided in section 1-8 of this Code.

SECTION 2. That all Ordinances and parts of Ordinances, all Resolutions or parts of Resolutions, in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. This Ordinance shall take effect immediately upon its passage.

Dated this _____ day of _____, 2019.

Passed on first reading this _____ day of _____, 2019.

Passed and adopted on second reading this _____ day of _____, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BERGER	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
K. THURSTON	_____	_____