

ORDINANCE NO. 1892

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 5 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 5.37 TO REQUIRE BUSINESS PROPRIETORS TO EXCLUDE MINORS FROM ANY ROOM OR PLACE WHERE DEVICES, CONTRIVANCES, INSTRUMENTS OR PARAPHERNALIA FOR THE SMOKING, SNIFFING OR INJECTION OF MARIJUANA, HASHISH, PCP, OR ANY CONTROLLED SUBSTANCE IS DISPLAYED OR OFFERED FOR SALE, AND PROHIBITING THE GIFT, SALE OR DELIVERY OF SUCH DEVICES TO MINORS

By a unanimous vote at the meeting of January 22, 1980, the City Council adopted the ordinance which regulates the maintenance of drug paraphernalia in a manner so as to exclude minors from areas where such paraphernalia or devices are displayed for purposes of sale. Violations of the ordinance may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the State of California which is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of the Municipal Code. Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista.


City Clerk

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The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Title 5 of the Chula Vista Municipal Code is hereby amended by adding thereto a new Chapter 5.37 to read as follows:

CHAPTER 5.37 Narcotic or Drug Paraphernalia Shops.

Sec. 5.37.010 Sale and Display of Narcotic and other Paraphernalia.

A. Minors. 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 for smoking, sniffing or injecting, or consuming marijuana, hashish, PCP, or any controlled substance, as defined in the Health and Safety Code of the State of California, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen (18) years to be, remain in, enter or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

B. Minors - Excluded. A person under the age of eighteen (18) years shall not be, remain in, enter or visit any room in any place used for the sale, or displaying for sale, devices, contrivances, instruments or paraphernalia for smoking, sniffing or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one of his or her parents, or his or her legal guardian.

C. Sale and Display Rooms. A person shall not maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking, sniffing or injecting marijuana,

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hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room shall be sign posted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room, and minors unless accompanied by a parent or legal guardian are excluded.

D. Same. Nuisance. The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this section, and where devices, contrivances, instruments or paraphernalis for smoking, sniffing or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the State of California. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this Code.

SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented and Approved as to form by



George D. Lindberg, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD January 15, 19 80, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD January 22, 19 80, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, Gillow, Cox, Hyde, McCandliss
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : None

Will T. Hyde

Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 1892, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk