

ORDINANCE # 146

**AN ORDINANCE PROHIBITING THE SALE OR POSSESSION OF
SUBSTANCES CONTAINING SYNTHETIC CANNABINOIDS**

WHEREAS, the Town Council of the Town of Vernon has been made aware that substances containing synthetic cannabinoids, which include substances containing one or more of the following chemical compounds:

- (1) 2-{{(IR,3S) - 3 hydroxycyclohexyl} - 5-(2-methyloctan-2-yl)phenol {also known as CP 47, 497 and its C6, C7, C8 and C9 homologues}
- (2) (6aR,10AR)-9-(hydroxymethyl)-6,6 dimethyl-3-(2-methyloctan-2- yl)-6a,7, 10, 10a-tetrahydrobenzo [c]chromen-1-9l {also known as HU-210}
- (3) Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1 Pentyl-3-(1-naphthoyl) indole or JWH-018}; also known as K2
- (4) Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1- Butyl-3-(1-naphthoyl) indole or JWH-073}
- (5) (+/-)-1-(4-methylpheny)-2-methylaminopropan-1-one) {also known as 4-methyl-N-methylcathinone; 2-methylamino-1-p-tolypropan-1-one, also known as mephedrone}
- (6) (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10, 10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d]pyran {also known as JWH-133}
- (7) (R)-(+)-[2,3=Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de)-1,4-benzoxazin-6-yl]-1 naphthalenylmethanone {also known as WIN 55,212-2}
- (8) Any other equivalent compound or derivative,

("Products") may be marketed, sold, offered or are pending sale or disbursement to the residents of the Town of Vernon, Indiana including minors; and,

WHEREAS, the citizens of the Town of Vernon, Indiana and various elected and law enforcement officials have noted an increase use of such Products, currently marketed and sold under the name of K2, Spice, and other names; and,

WHEREAS, Indiana law provides that a Town Council may enact ordinances to promote and protect the safety, health and welfare of its citizenry; and,

WHEREAS, the Products containing synthetic cannabinoids have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental agency for human consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them; and,

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with synthetic cannabinoids and the Products; and,

WHEREAS, many states and municipalities throughout the United States have banned the Products and synthetic cannabinoids as a danger to public health and welfare; and,

WHEREAS, the smoke emanating from the burning or incineration of the Products may cause adverse effects on bystanders or those in the vicinity of such activity; and,

WHEREAS, the Council of the Town of Vernon, Indiana believes it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of these Products within the Town of Vernon, to protect the health, safety, and welfare of the citizens and children of the Town of Vernon, Indiana law provides that a Council may enact ordinances to promote and protect the safety, health and welfare of its citizenry; and,

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED by the Common Council for the Town of Vernon, that:


- A. It is hereby declared to be unlawful for any individual or business to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sale, give, or barter any one or more of the following Products containing synthetic cannabinoids ("Products") within the boundaries of the Town of Vernon, Indiana which contain one or more of the following chemical compounds:
 - (1) 2-((1R,3S) - 3 hydroxycyclohexyl) - 5-(2-methyloctan-2-yl)phenol {also known as CP 47, 497 and its C6, C7, C8 and C9 homologues}
 - (2) (6aR,10AR)-9-(hydroxymethyl)-6,6 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo [c]chromen-1-9l {also known as HU-210}
 - (3) Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1 Pentyl-3-(1-naphthoyl) indole or JWH-018}; also known as K2
 - (4) Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1- Butyl-3-(1-naphthoyl) indole or JWH-073}
 - (5) (+/-)-1-(4-methylphenyl)-2-methylaminopropan-1-one) {also known as 4-methyl-N-methylcathinone; 2-methylamino-1-p-tolylpropan-1-one, also known as mephedrone}
 - (6) (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10, 10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d]pyran {also known as JWH-133}
 - (7) (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1 naphthalenylmethanone {also known as WIN 55,212-2}
 - (8) Any other equivalent compound or derivative,
- B. Products containing synthetic cannabinoids ("Products") may not be burned, incinerated, or ignited in any public place or on any property, owned, leased or controlled by the Town of Vernon, Indiana.
- C. If any substances listed in Subsection (A) herein are found in the possession of any individual or business, they may be confiscated and destroyed by law enforcement officials.

- D. It is not an offense under Subsection (A) herein if the individual or business was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this ordinance prohibiting the aforementioned substance.
- E. This ordinance does not apply to an individual or business who commits any act described in this Ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.
- F. Any individual or business found to be selling, publicly display for sale or attempting to sell, give, or barter any substance listed in section (A) shall be considered to have violated this Ordinance and will be subject to a civil fine of \$2,500.00. Any individual or business found purchasing or possessing any substance listed in section (A) shall be considered to have violated this Ordinance and will be subject to a civil fine of \$1,000.00. Any person or entity found in violation of this Ordinance shall be responsible for payment of reasonable costs and attorneys fees associated with the enforcement of this Ordinance.
- G. The Town Attorney, with the approval of the Common Council, shall have authority to seek an injunction to prevent the selling or offering to sell in violation of this Ordinance by any business which refuses or fails to comply with this Ordinance.
- H. This Ordinance shall remain in effect until such time as a section of the Indiana Code addressing these or similar substances becomes effective at which time this Ordinance shall automatically be revoked. All violations occurring prior to that date of revocation shall be subject to the penalties herein regardless whether legal proceedings related thereto have been filed or concluded prior to the date of revocation.
- I. Any term defined in this ordinance by reference to a state statute shall have the same meaning whenever used in this ordinance unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.
- J. Should any section, paragraph, sentence, clause or any other portion of this ordinance be declared by a Court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be effected, if and only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Common Council in adopting this ordinance. To this end the provisions of this ordinance are severable.
- K. This ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-2-4-8.


SAID ORDINANCE IS HEREBY PASSED AND ADOPTED THIS 3rd DAY OF FEBRUARY, 2011.



Dan Stark



~~Rachel~~ Shaw
Rechael



Scott Koonce
Koons

ATTEST:



M. Jean Rockey, Clerk-Treasurer

APPROVED AND SIGNED BY ME THIS 3 DAY OF FEBRUARY, 2011.



Dan Wright, Mayor
Town of Vernon, Indiana