

# City of Willoughby Hills

## ORDINANCE NO. 2011-52

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### **AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 513 – DRUG ABUSE CONTROL BY THE ADDITION OF A NEW SECTION 513.15 – PROHIBITION ON THE SALE OF SYNTHETIC CANNABINOIDS AND OTHER SYNTHETIC DRUGS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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**WHEREAS**, it is becoming an alarming trend across the United States and communities are establishing ordinances to protect the health, safety and welfare of their citizens from the illicit sale of the above described products; and

**WHEREAS**, in an effort to protect the health, safety and welfare of the citizens of the City of Willoughby Hills, the City of Willoughby Hills desires to implement a comprehensive program to promote the public's health, safety and welfare; and

**WHEREAS**, the establishment of a new **Section 515 – Prohibition on the Sale of Synthetic Cannabinoids and Other Synthetic Drugs** will provide for the regulation of the sale of methylenedioxypyrovalerone (MDPV) and methadones commonly referred to as "Bath Salts" and/or any derivatives for human consumption or human ingestion; and prohibiting the manufacture and production of methylenedioxypyrovalerone (MDPV) and methadones, and regulating the sale of synthetic cannabinoids and/or any derivatives for human consumption or human ingestion; prohibiting the manufacture and production of synthetic cannabinoids and/or any derivatives; providing for enforcement of these provisions, including penalties for violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

**SECTION 1.** The existing **Chapter 513 – Drug Abuse Control** of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is, amended by the addition of a new **Section 513.15 – Prohibition on the Sale of Synthetic Cannabinoids and Other Synthetic Drugs** which shall read and provided in its entirety, as follows:

**"513.15            PROHIBITION ON THE SALE OF SYNTHETIC CANNABINOIDS AND OTHER SYNTHETIC DRUGS.**

**(a)            DEFINITIONS AND INTERPRETATION.**

The following words, terms and phrases when used in this Section shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular shall include the plural, and words in the masculine shall include feminine and neuter.

- (1)    METHADONE.    METHYLENEDIOXPYROVALERONE    (MDPV)**  
Commonly referred to as "Bath Salts": Compounds or psychoactive drugs with stimulant properties which act as a norepinephrine-dopamine reuptake inhibitor (NOR) or that work on the same receptors as the chemical compounds in Methamphetamines and/or any derivatives and synthetic cannabis and/or its derivatives for human consumption or ingestion thereof, including but not limited to the following street or brand names: Ivory Wave, Bounce, Plant Food, Meph, Mad Cow, Shake N'Vac, Drone, Bubbles, Meow Meow, MCAT, and 4MMC (hereinafter at times collectively referred to as "MDPV").

(2) **SYNTHETIC CANNABINOIDS.**

An herbal and chemical product which mimics the effects of cannabinoids including but not limited to synthetic cannabinoids, carraablevclohexano, synthetic cannabis, 1, JWH-015, JWH-018, JWH-073, JWH-200, Win-55, HU-210, HU-211, CP-47,497, CP 55,940 and 212-2 and is distributed or sold under the brand names including, but not limited to SPICE-Diamond, Gold, Tropical Synergy, Arctic Synergy, Gold Spirit, PEP Spice, Yucatan Fire, Smoke, K2, Skunk, Space, K2 Citron and K2 Blonde (hereinafter at times collectively referred to as "SYNTHETIC CANNABINOIDS")

(3) **PERSON.**

Any individual including adults or minors, partnership, corporation, limited liability company, trust association, owner, contractor, salesperson, or any other form of entity or the combination or joint venture thereof.

(4) **POSSESSION, SALE, DELIVER OR DELIVERY.**

Actual, constructive or attempted transfer of possession of MDVP, synthetic drugs or synthetic cannabinoids with or without consideration, whether or not there is an agency relationship.

(5) **MANUFACTURE.**

The production, preparation, propagation, compounding, conversion or processing of MDPV and/or their derivatives or synthetic cannabinoids and/or its derivatives either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabinoids or synthetic drugs or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabinoids or synthetic drugs as an incident to lawful research, teaching or chemical analysis and not for sale.

(6) **PRODUCE OR PRODUCTION.**

Planting, cultivating, tending or harvesting or the mixing of or combining any chemicals, herbs or any materials, whether solid or liquid that result in the creation of MDPV and/or their derivatives or synthetic cannabinoids and/or its derivatives.

(7) **DISTRIBUTE.**

To deliver MDVP, synthetic cannabinoids, or other synthetic drugs and/or their derivatives.

(8) **KNOWLEDGE.**

A person acts knowingly with respect to a material element of the Section when:

- A. The element involves the nature of his/her conduct or the attendant circumstances so that the person knows or should have known that the conduct is of that nature or that such circumstances exist; and
- B. If the element involves a result of the person's conduct, the person knows or should have known that it is practically certain that the conduct will cause such a result; and
- C. The results of his/her conduct, described by the section defining the offense, when he/she knows or should have known that such a result is likely to be caused by his/her conduct.

(b) PROHIBITED CONDUCT.

It shall be unlawful for any person to knowingly, recklessly, or under the circumstances where one should know to:

- (1) Sell at retail or wholesale MDPV commonly referred to as "bath salts" and/or its derivatives or synthetic cannabinoids and/or its derivatives.
- (2) Give, exchange, deliver, aid, assist or abet another person in obtaining methadone commonly referred to as "bath salts" and/or its derivatives or synthetic cannabinoids and/or its derivatives.
- (3) Manufacture any MDPV commonly referred to as "bath salts" and/or its derivatives or synthetic cannabinoids and/or its derivatives.
- (4) Produce any MDPV commonly referred to as "bath salts" and/or its derivatives or synthetic cannabinoids and/or its derivatives.

(c) VIOLATIONS.

Any person, firm or corporation violating any provision of this Section, shall upon conviction hereof, be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) for any one (1) offense, recoverable with costs, together with judgment or imprisonment not more than one hundred eighty (180) days per offense."

**SECTION 2.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 3.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of Municipal Department, and further reason being that creation of said Section will provide for the establishment and implementation of a proper comprehensive program to promote the public's health, safety and welfare; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: July 14, 2011

Submitted to the Mayor for his approval  
on this 14 day of July, 2011

ATTEST:

Victoria Ann Savage, CMC  
Victoria Ann Savage, CMC  
Clerk of Council

Kevin D. Malecek  
Kevin D. Malecek  
President of Council

Approved by the Mayor  
July 14, 2011  
Robert M. Weger  
Robert M. Weger  
Mayor