

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-89

INTRODUCED BY: Muller, Willey, Marnecheck, Kasaris

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 6 GENERAL OFFENSES CODE, CHAPTER 624 DRUGS, SECTION 624.01 DEFINITIONS, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton feels that it is in the best interest of the city to control and prohibit the possession, sale and use of synthetic cannabinoids and other synthetic drugs; and

WHEREAS: The abuse of synthetic cannabinoids and other synthetic drugs are becoming a serious concern to the public safety authorities in the City of North Royalton; and

WHEREAS: It is important to ensure that our definitions of these substances cover any future chemical mutations that may occur; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part Six General Offenses Code, Chapter 624 Drugs, Section 624.01 Definitions, Paragraph (h) in order to ensure that our definitions incorporate any future chemical mutations of synthetic cannabinoids and other synthetic drugs; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part Six General Offenses Code, Chapter 624 Drugs, Section 624.01 Definitions, Paragraph (h) of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

624.01 DEFINITIONS.

(h) ~~Reserved.~~

(h) (1) "Controlled substance analog" means, except as provided in division (h)(2) of this section, a substance to which both of the following apply:

(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.

(b) One of the following applies regarding the substance:

(i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

(ii) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

(2) "Controlled substance analog" does not include any of the following:

(a) A controlled substance;

(b) Any substance for which there is an approved new drug application;

(c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;

(d) Any substance to the extent it is not intended for human consumption before the exemption described in division (h)(2)(b) of this section takes effect with respect to that substance.

Section 2. Section 624.01 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 624 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the Codified Ordinances of the City of North Royalton, Part Six General Offenses Code, Chapter 624 Drugs, Section 624.01 Definitions, Paragraph (h) in order to strengthen our ability to fight the synthetic drug epidemic.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: May 15, 2012

DATE APPROVED: May 16, 2012

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading May 15, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey
Marnecheck, Muller, Kasaris

NAYS: none