

ORDINANCE NO. \_\_\_\_\_

MAKING SUPPLEMENTAL APPROPRIATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,  
STATE OF OHIO:

Section 1. That in addition to the sums heretofore appropriated,  
certain sums be and the same hereby are, appropriated as follows:

- a. From the Community Corrections Fund to 287.150.5111  
“Salaries” the sum of \$22,080.00
- b. From the Community Corrections Fund to 287.150.5121  
“Pensions” the sum of \$3,095.00
- c. From the Community Corrections Fund to 287.150.2122  
“Workers Comp” the sum of \$760.00
- d. From the Community Corrections Fund to 287.150.5124  
“Medicare” the sum of \$645.00
- e. From the Community Corrections Fund to 287.150.5414  
“Operating Expenses” the sum of \$3,042.00
- f. From the Community Corrections Fund to 287.150.5415  
“Program Expenses” the sum of \$12,360.00

Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary to the immediate preservation of the public health, safety  
and welfare, and accordingly, shall be in full force and effect immediately  
upon its passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

ADOPTING PRELIMINARY LEGISLATION FOR THE REPLACEMENT OF A  
BRIDGE OVER LYTLE CREEK IN THE CITY OF WILMINGTON LOCATED ON US  
68 0.26 MILE NORTH OF THE SOUTHERN INTERSECTION WITH SR 134 AND  
DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation has informed the City that it  
intends to complete the above-named bridge replacement project and will fund said project  
100%; and

WHEREAS, the City agrees to maintain said bridge upon completion of the project  
in accordance with the terms of the attached Preliminary Legislation (Exhibit A, which is  
attached hereto and incorporated herein by reference).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
WILMINGTON, STATE OF OHIO:

Section 1. That the City Council hereby adopts the Preliminary Legislation  
(Exhibit A).

Section 2. That the Mayor or the Director of Public Service are authorized and  
directed on behalf of the City to enter into contracts with the Director of Transportation  
necessary to complete the above described project.

Section 3. That this resolution is hereby declared to be an emergency measure  
necessary to the immediate preservation of the public health, safety and welfare, and  
accordingly shall be in full force and effect immediately upon its passage due to the fact  
that ODOT requires the Preliminary Legislation to be returned to them within 30 days of  
the passage of this Resolution.

Passed this \_\_\_\_ day of June 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_ day of June 2011.

\_\_\_\_\_  
Mayor

**PRELIMINARY CONSENT LEGISLATION**

Rev. 6/26/00

**Ordinance/Resolution#** \_\_\_\_\_  
**PID No. 87172**  
**County/Route/Section: CLI US 68 – 14.39**

The following is \_\_\_\_\_ enacted by the City of Wilmington, Clinton  
(Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the  
stated described project.

**SECTION I - Project Description**

WHEREAS, the State has identified the need for the described project:

**Replace bridge over Lytle Creek in the City of Wilmington located on US 68  
0.26 mile north of the southern intersection with SR 134.**

NOW THEREFORE, be it ordained by the City of Wilmington, Ohio.  
(LPA)

**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete  
the above described project.

**SECTION III - Cooperation Statement**

The State shall provide 100% of the eligible cost of the project.

The City agrees to pay one hundred percent (100%) of the cost of those features  
requested by the City which are not necessary for the improvement as determined by the State  
and Federal Highway Administration.

#### SECTION IV - Utilities and Right-of-Way Statement

The State/LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The State/LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

#### SECTION V - Maintenance

Upon completion of the Project, and unless otherwise agreed, the City shall:

(1) provide routine maintenance for the Project in accordance with all applicable state and federal laws, including, but not limited to, ORC 5501.49 and Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the routine maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

#### SECTION VI - Authority to Sign

The \_\_\_\_\_ of said City of Wilmington is hereby empowered on  
 (Contractual Agent) (LPA)  
 behalf of the City of Wilmington to enter into contracts with the Director of Transportation  
 (LPA)

necessary to complete the above described project.

Passed: \_\_\_\_\_, 2011.  
 (Date)

Attested: \_\_\_\_\_  
 (Clerk)

\_\_\_\_\_  
 (Officer of LPA - title)

Attested: \_\_\_\_\_  
 (Title)

\_\_\_\_\_  
 (President of Council)

PID No. 87172

CERTIFICATE OF COPY  
STATE OF OHIO

City of Wilmington of Clinton County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Wilmington, Clinton County, Ohio, do hereby certify that the foregoing is a true and correct copy of \_\_\_\_\_  
(Ordinance/Resolution)  
adopted by the legislative Authority of the said City of Wilmington on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, that the publication of such \_\_\_\_\_ has  
(Ordinance/Resolution)  
been made and certified of record according to law; that no proceedings looking to a referendum  
upon such \_\_\_\_\_ have been taken; and that such \_\_\_\_\_  
(Ordinance/Resolution) (Ordinance/Resolution)  
and certificate of publication thereof are of record in \_\_\_\_\_  
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official  
seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)  
(If Applicable)

\_\_\_\_\_  
Clerk  
City of Wilmington, Ohio.  
(LPA)

The afore going is accepted as a basis for proceeding with the project herein described.  
For the City of Wilmington, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

ORDINANCE NO. \_\_\_\_\_

AMENDING CODIFIED ORDINANCE 171.03(a)(1) TO INCLUDE IN THE DEFINITION OF INCOME SUBJECT TO THE IMPOSITION OF CITY INCOME TAX PURSUANT TO 171.03 ANY AMOUNT OVER \$5,000 THAT IS WON BY LOTTERY, GAMBLING, SPORTS WINNINGS OR OTHER GAMES OF CHANCE

WHEREAS, the Council of the City of Wilmington desires to amend Title Seven of the Codified Ordinances of the City of Wilmington, Section 171.03(a)(1) to add subsections (A)-(C) to include lottery winnings, gambling winnings, sports winnings or winnings from any other game of chance (hereinafter “winnings”, either individually or collectively) in the definition of income for purposes of levying the city income tax upon said winnings; and

WHEREAS the Council does not intend to impose the income tax upon a certain amount of winnings of such winnings paid to the taxpayer during the calendar year, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That Codified Ordinance 171.03(a)(1) shall be amended as follows [additions are in **bold** and deletions are ~~lined through~~ or otherwise noted below]:

**171.03(a)(1)**

- (A) **For further clarification, “income” includes, but is not limited to, lottery winnings, gambling and sports winnings, winnings from other games of chance (hereinafter “winnings,” either individually or collectively).**
- (B) **If the taxpayer is considered a professional gambler for federal income tax purposes, related deductions as permitted by the Internal Revenue Code shall be allowed against said winnings.**
- (C) **If the taxpayer is not considered a professional gambler for federal income tax purposes, a deduction equal to the amount of up to \$5,000 of income combined from all said winnings, or a deduction of \$5,000, whichever is less, shall be allowed, provided that in no case shall the deduction exceed the amount of combined lottery, gambling, games of chance and sports winning income. If said income is payable to the taxpayer in more than one year, the deduction applies only in the first year in which the income is received.**

Section 2. That this ordinance shall take full force and effect from the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ORDINANCE RESCINDING CODIFIED ORDINANCE CHAPTER 713 AND ADOPTING NEW ORDINANCES IN CHAPTER 713 REGARDING TRANSIENT VENDORS IN THE CITY OF WILMINGTON

Section 1. That Chapter 713.01-99 of the Codified Ordinances of the City of Wilmington regarding peddlers, solicitors and canvassers are hereby rescinded.

Section 2. That Chapter 713 of the Codified Ordinances of the City of Wilmington shall be titled "Transient Vendors."

Section 3. That the Council hereby adopts a new Chapter 713.

713.01 Definitions

(a) "Canvasser" means any person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

(b) "City" means the City of Wilmington, Ohio.

(c) "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

(d) "Transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling around the City, sells, offers for sale, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods, or attempts to arrange an appointment for a future estimate or sales call. Transient vendor does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code and that provides notice in accordance with 713.02 below.

713.02 Tax Exempt Entity Notice

Any person who represents an entity exempted from taxation under Section 5709.04 of the Ohio Revised Code that notifies the Wilmington Police Department that its representatives are present in the City for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods or attempting to arrange an appointment for a future estimate or sales call shall be exempt from the transient vendor regulations herein.

713.03 Exclusions

Transient vendor does not include and these regulations do not apply to:

- (a) Any person licensed under Chapter 4707 (Auctioneer) of the Ohio Revised Code;
- (b) Any person selling products of their own raising or manufacturing
- (c) Any person offering to perform services as a sole proprietor (i.e., the solicitor is also the person who will perform the service, such as lawn care, housekeeping, home repair services, etc.).
- (d) Any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods;
- (e) Any person who is only seeking donations and is not selling, offering or soliciting orders for goods;
- (f) Any person who is only collecting money for goods previously ordered or sold
- (g) Any person otherwise defined as a canvasser.

713.04 REGISTRATION

(a) All transient vendors shall register with the Wilmington Police Department prior to conducting any business in the City. Registration shall be made on a form provided by the

Wilmington Police Department. All information required shall be supplied by the vendor prior to acceptance of the registration. Information provided by each transient vendor shall include:

1. Name and physical description of applicant.
2. Permanent home address and local address (if applicable) of the applicant.
3. A brief description of the nature of the business and the goods to be sold or services to be furnished by the applicant;
4. If employed, the name and address, and tax ID of employer;
5. If a vehicle is to be used, a description of the make, model, color and license number.
6. A statement as to whether or not the applicant has been convicted of any crime and the nature of such offense.
7. Proof of a valid, current government-issued photo ID.

(b) Registration forms will be accepted at the Police Department between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, excluding municipal holidays.

#### 713.05 REGISTRATION WHEN MULTIPLE EMPLOYEES INVOLVED.

In the event that a sole proprietorship, partnership, limited liability company, corporation or other entity registers as a transient vendor, and such business entity has employees, each employee shall be required to register separately. Each employee shall carry identification that they are employed by the business entity and such identification specifically refers to the transient vendor registration number issued by the City to the business entity.

#### 713.06 REGISTRATION FEE AND PERIOD

The administrative fee for each registration shall be \$35.00. Each registration shall be valid for a period of one year.

#### 713.07 MANNER OF SOLICITATION

No transient vendor shall conduct public solicitation in the City in such a manner that their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading. No effort may be made by any transient vendor to defraud any individual through the solicitation process. No sales or solicitation shall be conducted in the right of way of any public road.

#### 713.08 HOURS OF SOLICITATION

Door to door solicitation shall be made only between the hours of 9:00 a.m. and 7:00 p.m. during the months of April through October, and 9:00 a.m. to 4:00 p.m. during the months of November through March.

#### 713.09 PROOF OF COMPLIANCE

Each transient vendor shall carry on his or her person a copy of the registration issued by the city at all times while selling or traveling about the city for the purposes of selling or soliciting orders. Individuals may not solicit as a team using another person's registration.

#### 713.10 REVOCATION OF REGISTRATION

A transient vendor registration may be revoked by Mayor or her or his designee for any of the following causes:

- (a) Fraud, misrepresentation, or false statements contained in the registration application or in the course of carrying on sales solicitations;
- (b) Any violation of any provision of this Chapter.
- (c) Conducting business in an unlawful manner, or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

713.11 ENTRY UPON PREMISES UNLAWFUL

It shall be unlawful for any person, whether registered or unregistered, while conducting the business of the transient vendor, canvasser, or any other business solicitation, to enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import.

713.99 PENALTY

Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor of the fourth degree and subject to the maximum penalties allowed by law.

Section 4. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO  
PROVIDE FIRE AND EMS SERVICES TO WASHINGTON TOWNSHIP  
(July 1, 2011-June 30, 2016)

WHEREAS, the Board of Trustees of Washington Township and the  
City of Wilmington desire to provide fire protection and emergency medical  
services to the citizens in Washington Township the time period from July 1,  
2011-June 30, 2016; and

WHEREAS, the current agreement for Fire and EMS services expires  
on June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF  
THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Mayor is authorized to enter into the Contract  
attached hereto and incorporated herein by reference as "Exhibit A" for the  
provision of fire protection and emergency medical services in Washington  
Township for July 1, 2011 through June 30, 2016.

Section 2. That this Contract supersedes any prior agreement  
covering the same period of time or part thereof.

Section 3. That this Resolution shall be effective immediately as an  
emergency measure to protect the health, safety and welfare of the citizens  
protected by the agreement referenced in Exhibit A.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

# **CITY OF WILMINGTON AND WASHINGTON TOWNSHIP**

## **AGREEMENT FOR EMERGENCY MEDICAL AND FIRE PROTECTION SERVICE**

**July 1, 2011 to June 30, 2016**

Agreement made between the Township of Washington, State of Ohio, a body corporate and politic of the State of Ohio (the "Township"), and the City of Wilmington, a municipal corporation of the State of Ohio (the "City").

WHEREAS, the Township desires to obtain emergency medical service and fire protection (collectively "Services") and

WHEREAS, the City is currently providing such Services to the Township with its own staff and equipment and certain equipment owned by the Township; and

WHEREAS, the City plans future additions of staff and equipment sufficient to continue to provide such Services to the Township, as need be, and

WHEREAS, the Township Trustees believe the Township would be best served by contracting for the provision of these services rather than creating and maintaining the facilities, staff and equipment necessary to provide such services, and

WHEREAS, Ohio Revised Code section 9.60 authorizes the Township and the City to make this Agreement for the provision of Emergency Medical Service and Fire Protection, and

WHEREAS, the City Council of the City of Wilmington has authorized the Mayor to sign this Agreement by Resolution # \_\_\_\_\_ passed on \_\_\_\_\_ and

WHEREAS, the Township Trustees have authorized this Agreement by Resolution #2011-11 passed on June 9, 2011; and

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions set out below, the Township and the City agree as follows:

1. For purposes of this Agreement, the following terms and definitions shall apply unless the context necessarily requires the ordinary meaning of the word(s):

"Emergency Medical Service" shall have the same meaning as in O.R.C. 4765.01 of the Revised Code.

"Fire Protection" means the use of firefighting equipment by the City's fire department and rescue service by those firefighters.

1. Term. The term of this Agreement shall be July 1, 2011 through June 30, 2016 and will continue through the end of any extension period agreed to subject to the termination provisions contained herein.

2. Coverage area, equipment. During the term of this Agreement and any extension thereof, the City shall provide the Services within the territorial boundaries of Washington Township. In providing the Services the City shall respond to emergency situations in the Township with the most appropriate available firefighting and emergency equipment.

(approximately \$89,000) as a reserve. The Township is not required to maintain a certain balance in the reserve fund under the terms of this Agreement.

5. Payment schedule. The Township agrees that its Fiscal Officer will send payments per the following schedule whether or not the Township receives an invoice from the City:

For July 1–Dec. 31, 2011 – the payment will be the levy amount collected between July 1, 2011 and November 30, 2011. Payment due by December 15, 2011.

For 2012-2015 – the payment will be the levy amount collected between Jan.1 and Nov. 30 of that year (plus any collected but unpaid amount from December of the prior year). Payment due by December 15.

For Jan 1-June 30, 2016 – the payment will be the levy amount collected between Jan. 1, 2016 and June 15, 2016 (plus any collected but unpaid amount from December 2015). Payment due by June 30, 2016.

6. The parties agree to enter into negotiations for the renewal of this Agreement six (6) months prior to the end of this contract and to apply existing values and budgets to the Valuation Formula to arrive at the contract rate of payment.

7. Either party may terminate this Agreement and any extension thereof with or without cause upon six (6) months written notice to the other.

City of Wilmington

Washington Township  
Clinton County, Ohio

By: \_\_\_\_\_  
David L. Raizk  
Mayor

Randy M. Hibbs  
Trustee

Vernon Gregory  
Trustee

Jon Sharp  
Trustee

Approved as to form:

\_\_\_\_\_  
Kathryn Hapner  
Director of Law

A-M-L  
Assistant Prosecuting Attorney  
Clinton County, Ohio

ORDINANCE NO. \_\_\_\_\_

AUTHORIZING CONTRACT WITHOUT BIDDING FOR REPLACEMENT  
OF EQUIPMENT FOR THE OPERATION OF THE DOORS AND  
INTERCOM SYSTEM WITHIN THE SECURED FACILITY OF THE  
WILMINGTON CITY POLICE DEPARTMENT, AND DECLARING AN  
EMERGENCY

WHEREAS, the City of Wilmington Police Department operates a secured facility that includes a prisoner holding area with secured ingress and egress and an intercom system; and

WHEREAS, the City security and intercom system for this area was installed previously by a certain vendor, to wit: Copp Systems, and now the City desires to maintain the current system with upgrades as needed, which said upgrades are only provided by the same vendor.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Chief of Police be and he hereby is, authorized to enter into a contract with Copp Systems for the upgrades needed to the holding facility equipment and intercom system in the secured facility of the Wilmington City Police Department, in accordance with specifications to be promulgated therefore and within the appropriations therefore, the total cost estimated to exceed the sum of \$25,000. The Chief of Police is further instructed to submit the estimate and specifications to the Board of Control for their consideration in awarding the contract.

Section 2. That the Council is not requiring the advertisement for bids in that it has considered the matter and believes that the work needed is available only from a single source, that compatibility with existing equipment and other technical considerations necessitate using the same vendor.

Section 3. This Ordinance shall be effective immediately as an emergency measure in that the source of funding for this project is grant funds and the Police Department needs to spend them by September 1, 2011, necessitating a contract for the security improvements within 30 days of the passage of this Ordinance.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Mayor

ORDINANCE NO. \_\_\_\_\_

PROHIBITING THE MANUFACTURE, POSSESSION, USE, EXCHANGE, SALE, DISTRIBUTION OF SYNTHETIC CATHINONES (MORE COMMONLY KNOWN AS “BATH SALTS”) AND SYNTHETIC CANNABINOIDS (MORE COMMONLY KNOWN AS K2, K3, ETC.) AND OTHER SYNTHETIC DRUGS AND THEIR DERIVATIVES AND SUBSTITUTED FORMS AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Wilmington has received numerous complaints from police officers and citizens regarding the dangerous effects of synthetic cathinones (more commonly known as “bath salts”), synthetic cannabinoids (more commonly known as K2, K3, etc.) and other synthetic drugs and their derivatives and substituted forms (hereinafter “synthetic drugs”); and

WHEREAS, the abuse of synthetic drugs is becoming an epidemic in the country; and

WHEREAS, persons using said drugs exhibit behaviors that pose safety issues to themselves, other citizens and first responders.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the following amendment to the Codified Ordinances of the City of Wilmington, Chapter Five – General Offenses Code – is hereby enacted:

PROHIBITION ON THE MANUFACTURE, POSSESSION, USE, EXCHANGE, SALE AND DISTRIBUTION OF SYNTHETIC CANNABINOIDS, SYNTHETIC CATHINONES AND OTHER SYNTHETIC DRUGS, THEIR DERIVATIVES AND SUBSTITUTED FORMS

(a) The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

1) “Synthetic Cannabinoids” means any material, compound, mixture, or preparation containing any detectable quantity of synthetically produced cannabinoids, their salts, isomers and salts of isomer, unless specifically excepted elsewhere in this section. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or compounds of these structures shall be included under this subsection, regardless of their specific numerical designation of atomic positions covered, so long as it can be determined through some form of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

(A) Tetrahydrocannabinols

Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

(B) Naphthoylindoles

Any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(C) Naphthylmethylinindoles

Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(D) Naphthoylpyrroles

Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

(E) Naphthylmethylindenes

Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

(F) Phenylacetylindoles

Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

(G) Cyclohexylphenols

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.

(H) Benzoylindoles

Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(I) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other names: WIN 55,212-2.

(J) Dibenzopyrans including but not limited to (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210, JWH-051, JWH-139, JWH-161, JWH-229 & JWH-359.

These products include, but are not limited to being contained in preparations such as incense, potpourri, plant fertilizers, insect repellant and are marketed with brand names including but not limited to:

Black Mamba  
Dragon Spice  
Flash II  
Gold Spice  
Hush  
K2  
K3  
K4  
Kind Spice  
Life Spice

Pep Pourri  
Space  
Spice  
Spike  
Summit  
Voodoo Spice

(2) “Substituted Cathinones” (commonly known as “Bath Salts”) means any compound (except bupropion), mixture or preparation structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is modified in any of the following ways:

- a) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- b) by substitution at the 3-position with an acyclic alkyl substituent;
- c) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

These include but are not limited to 3,4-Methylenedioxypyrovalerone (MDPV); 4-methylmethcathinone (mephedrone, 4-MMC), 4-fluoromethcathinone (fephedrone), 3,4-methylenedioxymethcathinone (methyline), butylone, and naphyrone. These compounds are often found in a class of novelty products commonly sold as “bath salts.”

These substances are sold with trade names including, but not limited to:

Aura  
bk-MBDB  
bk-MDMA  
Blizzard  
Blue Silk  
Bonsai Grow  
Bonzai Grow  
Charge Plus  
Cloud 9  
Drone  
Euphoria  
Hurricane Charlie  
Ivory Snow  
Ivory Wave  
Lovey Dovey  
Magic  
MCAT  
MDPK  
MDVP  
M1  
M4  
Meph  
NRG-1  
Ocean  
Ocean Burst  
PV  
POSH  
Pure Ivory  
Purple Wave  
Red Dove  
Scarface  
Serenity Now  
Snow Leopard  
Stardust (Star Dust)  
Super Coke

Vanilla Sky  
White Dove  
White Knight  
White Lightning

(3) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of synthetic cannabinoids, synthetic cathinones or other synthetic drugs, 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, synthetic cathinones or other synthetic drugs or labeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of synthetic cannabinoids, synthetic cathinones or other synthetic drugs as an incident to lawful research, teaching or chemical analysis and not for sale.

(4) “Person” means any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(5) “Possession” possession may be either actual or constructive:

(A) Actual possession means exercising physical dominion.

(B) Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the Synthetic Cannabinoid, Synthetic Cathinone or other synthetic drug or drug paraphernalia.

(6) “Sale” means delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

(b) It shall be unlawful for any person to knowingly or under circumstances where one reasonably should know, to sell, give, exchange, manufacture, or otherwise distribute to any persons any product containing the substances included in the definition of Synthetic Cannabinoids or Substituted Cathinones or other synthetic drug.

(c) It shall be unlawful for any person to knowingly, or under any circumstances where one reasonably should know, to display for sale or possess with intent to distribute any product containing the substances included in the definition of Synthetic Cannabinoids or Synthetic Cathinones or other synthetic drug.

(d) It shall be unlawful for any person to use, or to possess with intent to use, ingest, inhale, or otherwise introduce into the human body and product containing the substances included in the definition of Synthetic Cannabinoids or Synthetic Cathinones or other synthetic drug.

(e) Whoever violates this section is guilty of using, possessing, or selling Synthetic Cannabinoids, Synthetic Cathinones or other synthetic drug, a misdemeanor of the first degree.

SECTION 2. That it is hereby determined that this Ordinance shall be effective immediately as an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the residents of the City and for the further reason that the immediate effective date of this Ordinance is necessary so as to protect City residents from the harmful and dangerous effects of synthetic cannabinoids, synthetic cathinones and other synthetic drugs.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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President of Council

ATTEST:

\_\_\_\_\_

Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Mayor