

ORDINANCE NUMBER 583

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.64 PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL ANALOGUES, AND DECLARING AN EMERGENCY.

WHEREAS, products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), and 3,4-ethylenedioxypropylvalerone (MDPV) and/or their chemical analogues, and marketed under labels that include "bath salts," "incense," "window cleaner," "potpourri," "plant fertilizer," and "insect repellent" among other names have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled, or otherwise introduced into the human body; and

WHEREAS, the use of products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV), and their chemical analogues makes users agitated, delusional, paranoid, and violent; and

WHEREAS, the use of products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV) and their chemical analogues is sending children and adults to emergency rooms in Yavapai County and across the United States in alarming numbers, including Cottonwood, Arizona youth; and

WHEREAS, the 57 poison control centers in the United States received 303 calls in 2010 and more than 4,720 calls in the first eight (8) months of 2011 relating to the use of products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV); and

WHEREAS, the United States Drug Enforcement Agency has listed the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV) as Schedule I drugs under the federal Controlled Substances Act; and

WHEREAS, the Mayor and City Council of the City of Cottonwood find that the abuse of the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methydone), and 3,4-ethylenedioxypropylone (MDPV) and their chemical analogues constitutes a public health and safety emergency for the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THAT TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, IS AMENDED BY ADDING A NEW CHAPTER 8.64 PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL ANALOGUES AS FOLLOWS:

Section 1: That a new Chapter 8.64 Prohibiting the Possession, Use, Sale and Display of Certain Federally Controlled Dangerous Substances and their chemical Analogues is added to Title 8, Health and Safety, as follows:

Chapter 8.64

PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN  
FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL  
ANALOGUES

Sections:

8.64.010 Violation

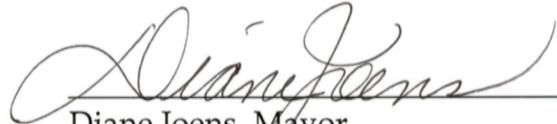
That it shall be unlawful for any person or entity to possess, sell, transfer, use or display or offer for sale any product or substance containing 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methydone); 3,4-methylenedioxypropylone (MDPV); or any other product or substance that would constitute a "controlled substance analogue" of any of those chemicals under 21 U.S.C. Section 802(32).

8.64.020 Penalty

That any person or entity violating any provision of this Ordinance shall be guilty of a Class 1 misdemeanor punishable by a fine of up to \$2,500, incarceration of up to 6 months, or both; with each day during which any violation of this Ordinance is committed, continued or permitted constituting a separate offense.

Section 2: That in order to preserve the public health and safety, an emergency is hereby declared to exist, and this Ordinance shall become immediately effective upon its approval by no less than three-fourths of the members of the City Council, taken by ayes and noes, and its approval by the Mayor.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA. THIS 3RD DAY OF JANUARY, 2012.

  
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Diane Joens, Mayor

ATTEST:

  
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Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

  
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Steve Horton, City Attorney

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