

## ORDINANCE NO.

**AN ORDINANCE OF LINDON CITY, UTAH, AMENDING THE LINDON CITY CODE BY CREATING SUBSECTION 9.16.060 PERTAINING TO THE PURCHASE, POSSESSION, SALE AND OFFERING FOR SALE OF CERTAIN INTOXICATING CHEMICAL COMPOUNDS AND PARAPHERNALIA DESCRIBED HEREUNDER AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.**

**WHEREAS**, the City of Lindon has a duty to preserve the health, safety and welfare of its inhabitants; and

**WHEREAS**, the Lindon City Council finds and determines that the chemical compounds described hereunder are intoxicating and/or hallucinogenic to humans upon ingestion and are often used as alternatives to marijuana; that these chemical compounds are potentially dangerous to users; and that their long term health effects are unknown; thus, the use of these intoxicating chemical compounds create a significant health and safety risk to the citizens of Lindon City; and

**WHEREAS**, certain businesses within Lindon City limits and in surrounding communities are currently selling some of the intoxicating chemical compounds described hereunder as incense or aromatics, but which are known to be used for human ingestion; such substances sold at local convenience stores as Spice, Black Mamba, K-2, Puff, Sugar Sticks and other brand names, are gaining in popularity at an alarming rate among high school and college age individuals, as well as among probationers and parolees;

**WHEREAS**, while having similar or stronger physiological effects as high potency marijuana, these intoxicating chemical compounds do not show a positive reading in traditional law enforcement drug testing, which adds to the desirability and increased use among drug abusers and increases the threat to public health and safety by avoiding detection, and

**WHEREAS**, the intoxicating chemical compounds described hereunder are not yet categorized as controlled substances under State or Federal law; and

**WHEREAS**, in the interest of the health, safety and welfare of its citizens, Lindon City deems it appropriate and necessary to prohibit the possession, use, sale, manufacture or distribution of the intoxicating chemical compounds described hereunder.

**NOW THEREFORE**, the council of Lindon City hereby ordains and decrees:

**SECTION 1.** Section adopted. Section 9.16.060 of the Lindon City Code is hereby adopted to read and provide as follows:

**9.16.060 UNLAWFUL INTOXICATING CHEMICAL COMPOUNDS AND PARAPHERNALIA**

1. Intoxicating Chemical Compounds. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give, trade or barter any one or more of the following chemical compounds and/or substances or their salts, isomers, homologues, and salts of their isomers and homologues:
  - a. Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
  - b. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: HU-210.
  - c. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone (also known as 1 Pentyl-3-(1-naphthoyl) indole, some trade or other name: JWH-018.
  - d. Naphthalen-1-yl-(1-butylyndol-3-yl)methanone (also known as 1-Butyl-3-(1-naphthoyl) indole, some trade or other name: JWH-073.
  - e. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other name: CP 47,497 and its C6, C7, C8, and C9 homologues.
  - f. 1-(3-[trifluoromethylphenyl]) piperazine, some trade or other name: TFMPP.
  - g. (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other name: WIN 55,2-212.
  - h. 2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other name: CP 55,940.
  - i. 6,6,9-trimethyl-3-(3-methyloctan-2-yl)-7,8,9,10-tetrahydrobenzo [c]chromen-1-ol, some trade or other name: Dimethylheptylpyran 1, 2-dimethylheptyl- $\Delta^3$ THC, or DMHP, or A-40824, or EA-1476.

- j. [(6S,6aR,9R,10aR)- 9-hydroxy- 6-methyl- 3-[(2R)-5-phenylpentan- 2-yl]oxy- 5,6,6a,7,8,9,10,10a-octahydrophenanthridin- 1-yl] acetate, some trade or other name: Levonantradol, or CP 50,556-1.
  - k. -1-(4-methylphenyl)-2-methylaminopropan-1-one, some trade or other name: Mephedrone, 4-methylmethcathinone, 4-MMC or 4-methylephedrone.
  - l. Any similar structural analogs to the chemical compounds identified in Section 1(a) through 1(l).
  - m. Or any other compounds containing cannabinoid receptor agonists that are designed, produced, manufactured, synthesized, grown, cultivated, harvested or otherwise prepared or used with the intent to produce or mimic the effects of tetrahydrocannabinol (THC).
2. Lawful Possession. It is not an offense under Subsection 1 of this section if the person was acting at the direction of an authorized agent of Lindon City to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.
3. Confiscation of Contraband. If any of the aforementioned intoxicating chemical compounds or cannabinoid receptor agonists are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.
4. Medical Uses. Subsection 1 does not apply to any person who commits any act described in this section pursuant to the lawful direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose when inhaled under the direction of a licensed Physician or Dentist.
5. Paraphernalia. It is the intent of this Subsection 5 to discourage the use of any of the above mentioned substances by eliminating paraphernalia designed for processing, ingesting, or otherwise using the substances described under Subsection 1. As such it shall be unlawful for any person, including a corporation or other entity, to, use, or possess, any Paraphernalia as defined in this Subsection
- a. Paraphernalia under this section shall be defined as follows:  
Any equipment, product, or material used, or intended for use, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce chemicals or compounds prohibited in Section 1, and/or any other product prepared

or used with the intent to produce or mimic the effects of tetrahydrocannabinol (THC) which includes, but is not limited to, the devices and products listed in Utah Code Ann. Title 58-37a-3.

b. It is not a offense under this Subsection if a person possesses or uses paraphernalia in conjunction with a lawful use of the identified chemical compounds as permitted in Subsections 2 and 4 of this Section..

6. Penalty. Any person found to be in violation of this Subsections 1 or 5 of this Section is guilty of a Class B misdemeanor and/or subject to a term of imprisonment not to exceed six months and a fine not to exceed \$1,000.00 and/or both. Each day during which violation of this Section occurs shall constitute a separate offense.

7. Injunctions. Lindon City shall have the authority to seek an injunction to compel compliance of any business which fails or refuses comply with this Section.

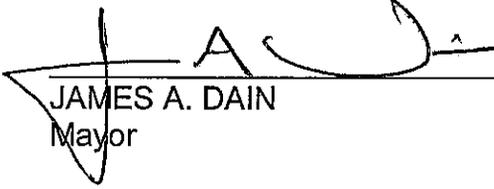
**SECTION 2. Subsequent State Action:** If the State of Utah Legislature adopts a statute which includes the provisions in this chapter and enacting criminal penalties for prohibitions set forth in this ordinance, then upon the effective date of such state statute, provisions of this ordinance that are covered by the state statute shall no longer be deemed effective. Any violations of this ordinance which occur prior to said state statutes becoming effective will be prosecuted. If there are provisions of this ordinance that are not covered by the state statute, those provisions will remain in effect.

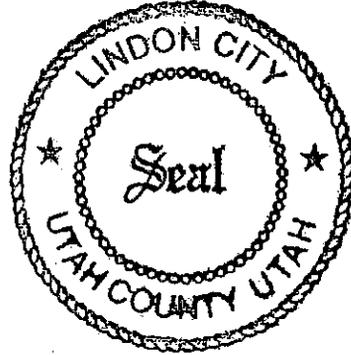
**SECTION 3. Severability:** If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 4. Effective date:** This ordinance shall be effective immediately upon posting after final passage.

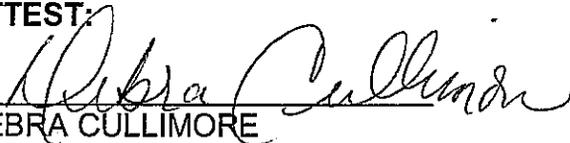
**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Lindon City ,

Utah this 19 day of October, 2010.

  
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JAMES A. DAIN  
Mayor



**ATTEST:**

  
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DEBRA CULLIMORE  
CITY RECORDER