



Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

Not adopted

ORDINANCE NO. 393

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 10, "OFFENSES," OF THE JEROME TOWN CODE BY ADDING NEW ARTICLE 10-3, "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 Jerome 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 Town Council of the Town of Jerome find that the abuse of the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), and 3,4-ethylenedioxypropylvalerone (MDPV) and their chemical analogues constitutes a public health and safety emergency for the residents of the Town and thereby constitutes a nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Jerome, Yavapai County, Arizona, as follows:

Section 1. Chapter 10, "Offenses," of the Jerome Town Code is hereby amended by the addition of NEW section 10-3, "Prohibiting the Possession, Use, Sale and Display of Certain Federally Controlled Dangerous Substances and Their Chemical Analogues," to read as follows:



For TTY Access, Call the Arizona Relay Service at 1-800-367-8939 and ask for Town of Jerome at 928-634-7943



Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

Article 10-3 Prohibiting the Possession, Use, Sale and Display of Certain Federally Controlled Dangerous Substances and Their Chemical Analogues

- 10-3-1 Violation
- 10-3-2 Penalty

Section 10-3-1 Violation

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 (methylone); 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).

Section 10-3-2 Penalty

Any person or entity violating any provision of this Article shall be guilty of a Class 2 misdemeanor punishable by a fine of up to \$750.00, incarceration of up to four months, or both; with each day during which any violation of this Ordinance is committed, continued or permitted constituting a separate offense.

Section 2: 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 Town Council, taken by ayes and nays, and its approval by the Mayor.

Section 3. Following its adoption, this ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. 39-203 *et seq.*

Section 4. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 5. Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Town Code as a whole or any part thereof other than the part so declared invalid.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS ____ DAY OF _____ 2012.

Jay Kinsella, Mayor

ATTEST:

APPROVED AS TO FORM:

Candace Gallagher, Town Manager/Clerk

William J. Sims, Esq.
Town Attorney

Date of First Reading:	Date of Adoption:			
	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
Date Published:				
Date Posted:				