

ORDINANCE 10-08

SYNTHETIC CANNABINOIDS ORDINANCE

WHEREAS, the North Logan City Council finds and determines that the substances described hereunder are often used as an alternative to marijuana, that the substances are potentially dangerous to users, that the long term effects are not yet known, that a high number of hospitalizations have been reported in connection with the use of the substances; and

WHEREAS, the substances described hereunder are not yet categorized as illegal controlled substances under State or Federal law, and that it is proper and necessary for North Logan City Council to exercise its authority to safeguard and protect the public health and safety; and

WHEREAS, the North Logan City Council caused notice of the hearing on this Ordinance to be advertised at least ten (10) days before the date of the public hearing in The Herald Journal, a newspaper of general circulation in Cache County; and

WHEREAS, on October 6, 2010, at 6:35 P.M., the North Logan City Council held a public hearing to consider any comments regarding this proposed Ordinance. The North Logan City Council accepted all comments.

NOW THEREFORE, pursuant to the statutory authority granted the North Logan City Council pursuant to Utah Code Ann. § 10-8-47 and 10-8-84, the North Logan City Council enacts the following:

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL OF CACHE COUNTY, UTAH, ADOPTING RESTRICTIONS ON THE MANUFACTURE, DISTRIBUTION, POSSESSION, OR USE OF SYNTHETIC CANNABINOIDS.

BE IT ORDAINED by the City Council of the City of North Logan, Utah, as follows:

SECTION I: The following shall be added to the Code of Revised Ordinances for the City of North Logan.

15-608.1 Manufacture, Distribution, Possession, or Use of Synthetic Cannabinoids

- A. Except as authorized by Title 58 Chapter 37 of the Utah Code, as amended, it is unlawful for any person to knowingly and intentionally:
- (i) produce, manufacture, dispense, or
 - (ii) possess with intent to produce, manufacture, or dispense, or
 - (iii) distribute, or agree, consent, offer, or arrange to distribute, or
 - (iv) possess with the intent to distribute, or
 - (v) possess or use synthetic cannabinoids, more specifically identified as follows:
 - (a) 1-Pentyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-018
 - (b) 1-Butyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-073
 - (c) N-benzylpiperazine
Some trade or other names: BZP

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- (d) 1-(3-[trifluoromethylphenyl]) piperazine
Some trade or other names: TFMPP; or
- (e) any structurally similar analogs of the substances listed above.

B. Penalty: A violation of this ordinance is a Class B Misdemeanor.

C. Subsequent State Action: If the Utah State Legislature adopts a statute 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 prior to a state statute becoming effective may be prosecuted. If there are provisions of this ordinance that are not covered by the state statute, those provisions will remain in effect and may be prosecuted.

SECTION II: CONFLICT. To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION III: SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

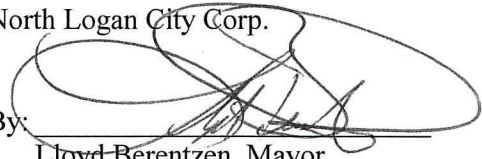
SECTION IV: EFFECTIVE DATE. This ordinance shall become effective upon its passage and upon proper posting. Following its passage a copy of the Ordinance shall be posted as required by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 6th day of October, 2010, upon the following vote:

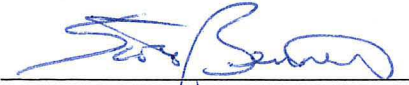
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
Al Moser	X			
Nancy Potter	X			
Allen Kartchner	X			
Kevin Dustin	X			
John Bailey	X			

North Logan City Corp.

By:


Lloyd Berentzen, Mayor

ATTEST:


Scott Bennett, City Recorder

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CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 7th day of October, 2010, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 10-08 in a likely manner, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 2005 North 1200 East

WITNESS my hand this 7th day of 2010.



Scott Bennett, City Recorder