

**ORDINANCE NUMBER 10-15
OF THE CITY OF FRANKLIN, INDIANA**

**An Ordinance Prohibiting the Sale and/or Use in Public Places
of Substances Containing Synthetic Cannabinoids**

WHEREAS, I.C. 36-8-2-4 authorizes municipalities to regulate conduct that may endanger the public health, safety, or welfare; and

WHEREAS, the Common Council of the City of Franklin, Indiana ("City") has been made aware that substances containing synthetic cannabinoids are, or have been, marketed, sold or offered for sale to the residents of the City, including to minors; and

WHEREAS, local law enforcement personnel have noted an increased use of synthetic cannabinoids, currently marketed and sold under the name of "K2" and "Spice", by the citizens of the City; and

WHEREAS, products containing synthetic cannabinoids have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental regulatory agency for human consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them; and

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with the use of synthetic cannabinoids and products that contain them; and

WHEREAS, many states and municipalities throughout the United States have banned K2, Spice, and synthetic cannabinoids as a danger to public health and welfare; and

WHEREAS, the smoke emanating from the burning or incineration of synthetic cannabinoids, K2, and Spice may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, it has been determined that it is in the best interest of the City to prohibit the sale, marketing, or offering for sale of synthetic cannabinoids within the corporate limits of the City of Franklin, Indiana, so as to protect the health, safety and welfare of the citizenry and their children,

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FRANKLIN, INDIANA, THAT:**

1) Synthetic Cannabinoids Prohibited / Violations / Penalties:

- a. Products containing synthetic cannabinoids, such as 'K2', 'Spice', or similar products which contain one or more of the following chemical compounds:

(1) (6aR,10aR)-9-(hydroxymethyl)-6,6 dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;

(2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

(3) 1-utyl-3-(1-naphthoyl)indole, also known as JWH-073; and

(4) Any other equivalent compound or derivative,

shall not be sold, marketed, or offered for sale within the City of Franklin, Indiana;

- b. Products containing synthetic cannabinoids may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by the City of Franklin, Indiana;
- c. Persons or entities violating the provisions of this Section shall be guilty of an infraction punishable by:
 - i. A fine of Fifty Dollars (\$50.00) for the first violation;
 - ii. A fine of One Hundred Fifty Dollars (\$150) for the second violation;
 - iii. A fine of Three Hundred Dollars (\$300) for the third violation; and
 - iv. A fine of One Thousand Dollars (\$1,000) for fourth and subsequent violations.
- d. In addition to the fines established by this Section, violation of this Ordinance by a person or entity who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.
- e. Violation of this Ordinance is hereby declared to be a public nuisance, which may be abated by the City of Franklin, Indiana Board of Works by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- f. Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.
- g. The Franklin City Court and/or other court of competent jurisdiction will have jurisdiction over such violations and penalties.
- h. If, after multiple violations by the same person or entity, the City of Franklin, Indiana's Board of Public Works and Safety determines that the imposition of fines will not be effective in enforcing this chapter, other remedies may be sought to obtain compliance, including injunctive relief.

- 2) **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain;
- 3) **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed;
- 4) **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance;
- 5) **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §§ 6-4-6-15, 16.

Introduced and Filed on the 20 day of September, 2010. A motion to consider same on the First Reading or day of introduction was [not offered] [~~sustained by a vote of _____~~ in Favor and _____ Opposed, pursuant to Indiana Code § 36-4-6-13.]

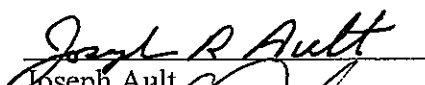
DULY PASSED on this 4 day of October, 2010 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 6 in Favor and 0 Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:


Dr. William Murphy, President


Joseph Abban


Joseph Ault


Kenneth Austin

- Absent -
Stephen Hougland

Voting Opposed:

Dr. William Murphy, President

Joseph Abban

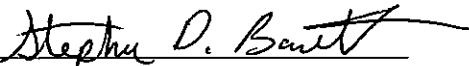
Joseph Ault

Kenneth Austin

Stephen Hougland

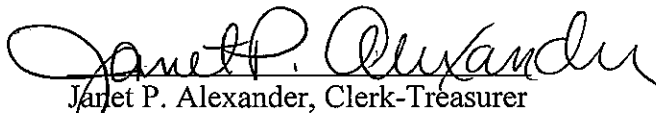

Ann Gordon

Ann Gordon


Steve Barnett

Steve Barnett

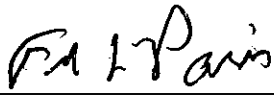
Attest:


Janet P. Alexander, Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15,16, this 5 day of October at 10:00 o'clock p.m. a.m.


Janet P. Alexander, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me this [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2), this 5 day of October at 10:00 o'clock p.m. a.m.


Fred L. Paris, Mayor

Attest:


Janet P. Alexander, Clerk-Treasurer

Prepared by:
Robert H. Schafstall
Atty. No. 16944-41