

ORDINANCE NO. 2101

**AN ORDINANCE AMENDING THE CITY OF SHERIDAN
MUNICIPAL CODE BY ADOPTING 19-1.2, PERTAINING
TO THE PURCHASE, POSSESSION, SALE AND
OFFERING FOR SALE OF CERTAIN INTOXICATING
CHEMICAL COMPOUNDS DESCRIBED HEREUNDER.**

WHEREAS, the City of Sheridan Council finds and determines that the chemical compounds described hereunder are intoxicating and/or hallucinogenic to humans upon ingestion and are 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 the City of Sheridan; and

WHEREAS, certain businesses with the City of Sheridan city limits have recently been selling some of the intoxicating chemical compounds described hereunder as incense or aromatics, but which are typically used for human ingestion; such substances sold at local convenience stores as Mr. Smiley, Spice, Black Mamba19, K-2, Puff, Sugar Sticks and other brand names, are gaining in popularity at an alarming rate among school- aged individuals;

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 the avoidance of 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, City of Sheridan deems it appropriate and necessary to prohibit the possession, use, sale, manufacture or distribution of the intoxicating chemical compounds described hereunder.

Section 1. Section adopted. 19-1.2 of the City or Sheridan Municipal Code is hereby adopted to read and provide as follows:

Offenses – Miscellaneous Controlled Substances - Unlawful Intoxicating Chemical Compounds

A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, 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, including their salts, isomers, homologues and salts of their isomers and homologues:

1. 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 compounds, manufacture, salts derivative, mixture or preparation or such plants, its seeds or extracts;
2. pentyl-3-(1-naphthoyl indole (also known as JWH-018);
3. (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c] chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);
4. 2 (3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl) phenol (also known as CP-47,497), and the dimethylhexyl, dimethyloctyl and dimethylononyl homologues of CP-47,497;
5. 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073);
6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);
7. 1-Pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);
8. 1-Hexyl-3-(1-naphthoyl)indole (also known as JWH-019);
9. 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);
10. N-benzylpiperazine (also known as BZP);
11. 1-(3-trifluoromethylphenyl) piperazine (also known as TFMP);
12. Any similar structural analogs of the above chemical compounds;
13. Any other synthetic cannabinoids.

B. It is not an offense under subsection A of of this section if the person was acting at the direction of an authorized agent of the City of Sheridan to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.

C. If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

D. This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Wyoming law.

E. The City of Sheridan shall have the authority to seek an injunction to compel compliance of any business which fails to or refuses to comply with this Section.

F. 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.

G. Any violation of this section shall be punished by a fine of not more than \$750, or a jail term not to exceed six months, or both.

H. This ordinance shall become null and void at such time as State Statutes have been modified to make the above violations a criminal offense.

SECTION 2. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance, the intention being that the various provisions hereof are severable.

SECTION 3. REPEALER. All orders, by-laws, resolutions and ordinances, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such inconsistency and at such time as State Statutes have been modified to make the above violations a criminal offense.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect immediately upon its passage and publication as by law provided.

PASSED, APPROVED, AND ADOPTED this 20th day of December, 2010

Dave Kinskey, Mayor

Attest:

Scott Badley, City Clerk