

# Request for City Council Action

Date: June 7, 2011

<b>Agenda Section:</b> General Business  <b>No. 5</b>	<b>Originating Department:</b> Legal
<b>Item: An Ordinance Amending Title Fourteen (14) Chapter Seven (7) of the Carbondale Revised Code as it relates to Offenses Involving Drugs</b>  <b>No. 5.2</b>	<b>Approved:</b>

**Background:**

Title Fourteen (14) Chapter Seven (7) of the Carbondale Revised Code regulates the possession, sale and delivery of illegal drugs and paraphernalia within the City of Carbondale, Illinois.

Many states and municipalities have passed legislation prohibiting the sale, possession, use or delivery of synthetic cocaine or substances containing synthetic cocaine (sold as "bath salts.") and methylenedioxypyrovalerone (MDPV) and its' derivatives. These substances contain powerful stimulants and are sold under a variety of names.

Updating and amending the Carbondale Revised Code is necessary to remain current with State law and further enable local law enforcement agencies to regulate the sale, possession, use or delivery of illegal drugs.

**Recommended Action:**

The City Council is requested to adopt the amendment to the Carbondale Revised Code as it relates to Offenses Involving Drugs.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
-------------------------------------	---------------------------------	-------------------------------	----------------------	-----------------------------------

Council Action: Motion by \_\_\_\_\_ 2nd by \_\_\_\_\_ to \_\_\_\_\_

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2011-**

**AN ORDINANCE AMENDING TITLE FOURTEEN (14) CHAPTER SEVEN (7) OF THE  
CARBONDALE REVISED CODE AS IT RELATES TO OFFENSES INVOLVING  
DRUGS**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THIS 7<sup>TH</sup> DAY OF JUNE, 2011**

**Published in pamphlet form by authority of the City Council of the City of Carbondale,  
Jackson County, Illinois, this 8<sup>th</sup> day of June, 2011.**

**CERTIFICATE OF PUBLICATION**

**I, Rachael Keehn, the duly qualified City Clerk of the City of Carbondale, Illinois,  
and the official custodian of the records of said City, do hereby certify that this ordinance  
was published in pamphlet form by authority of the City Council on the 8<sup>th</sup> day of June,  
2011.**

---

**Rachael Keehn, City Clerk**

**ORDINANCE NO. 2011-\_\_\_\_**

**AN ORDINANCE AMENDING TITLE FOURTEEN (14) CHAPTER SEVEN (7) OF THE CARBONDALE REVISED CODE AS IT RELATES TO OFFENSES INVOLVING DRUGS**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, Title Fourteen (14) Chapter Seven (7) of the Carbondale Revised Code regulates the possession, sell and delivery of illegal drugs and paraphernalia within the City of Carbondale, Illinois; and

**WHEREAS**, updating and amending Titles of the Carbondale Revised Code is necessary periodically to remain current with State law and to adopt new programs which may be beneficial to the community; and

**WHEREAS**, the City Council of the City of Carbondale recognizes the need to regulate the possession and distribution of items containing the chemical compound methylenedioxypyrovalerone, or MDPV; and

**WHEREAS**, the City Council of the City of Carbondale finds it in the best interest of the City of Carbondale to amend Title Fourteen (14) Chapter Seven (7) adding Section Six (6) as set out herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:**

**SECTION 1.** That Title Fourteen (14) Chapter Seven (7) of the Carbondale Revised Code is hereby amended as follows:

**14-7-5: Possession of Methylenedioxypropylone, (MDPV)**

- A. Violation: No person shall possess, sell, or distribute a substance containing methylenedioxypropylone, MDPV.
- B. Penalty: Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than two hundred fifty dollars (\$250.00) and no more than seven hundred fifty dollars (\$750).

**SECTION 2.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 3.** That repeal of any ordinance by this ordinance shall not affect any rights accrued or liability incurred under said repealed Ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

**SECTION 4.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 5.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 6.** That this Ordinance shall be known as Ordinance No. 2011-\_\_\_ of the Ordinances of the City of Carbondale, Illinois, and shall be in full force and effect from and after its passage, approval, recording and publication in accordance with law.

APPROVED: \_\_\_\_\_  
Joel Fritzler, Mayor

FOR: \_\_\_\_\_  
AGAINST: \_\_\_\_\_  
PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
RECORDED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Rachael Keehn, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
P. Michael Kimmel, City Attorney