

ORDINANCE NO. 3711

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, SECTION 62-214, MISCELLANEOUS OFFENSES; ADDING NUMBERS 18, 19 AND 20, TO THE DEFINITIONS OF AN ILLEGAL SMOKING PRODUCT OR PSYCHEDELIC/HALLUCINOGENIC COMPOUNDS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, there has been a nationwide increase in the use of synthetic cannabinoids and psychedelic/hallucinogenic compounds; and

WHEREAS, synthetic cannabinoids and psychedelic/hallucinogenic compounds have no accepted medical use and have not been approved by the FDA for human consumption; and

WHEREAS, abuse of synthetic cannabinoids and psychedelic/hallucinogenic compounds have been characterized with both acute and long term public health and safety issues, and has been declared an imminent hazard to public safety by the federal Drug Enforcement Administration (DEA); and

WHEREAS, the use of illegal smoking product or psychedelic/hallucinogenic compounds causes serious safety issues to the City of Deer Park citizens and police officers; and

WHEREAS, the City of Deer Park as a home rule city desires to eliminate this threat to public health, safety and welfare; and

WHEREAS, it is in the best interest of the city to adopt an Ordinance to prevent these drugs from being widely distributed and thereby creating a public health and safety issue;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

- 1:** That the city council hereby finds and adopts the preamble to this Ordinance.
- 2:** That the Code of Ordinances of the City of Deer Park, Texas is hereby amended at Section 62-214, Miscellaneous Offenses, by amending Section 62-214, adding numbers 18, 19 and 20 to definitions of Illegal Smoking Products or Psychedelic/Hallucinogenic Compounds, to read as follows:

Section 62-214 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Illegal smoking substance means any plant or other substance, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of how the product is marketed for intended use, which consists of or contains any material, compound, mixture, or preparation that contains any quantity of a synthetic chemical substance, including its salts, isomers, and salts of isomers, listed by name in this section or contained within the following structural classes defined in this section. This includes:

(18) **Methyl methoxy oxobutyl indazole carboxamide (5F-AMB):** any compound structurally derived from N-(1-methoxy-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide by substitution at the 1-position nitrogen atom of the indazole ring by alkyl, haloalkyl, benzyl, halo benzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indazole ring to any extent.

(19) **Methoxy dimethyl oxobutyl indazole carboxamide (5F-ADB):** any compound structurally derived from N-(1-methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide by substitution at the 1-position nitrogen atom of the indazole ring by alkyl, haloalkyl, benzyl, halo benzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indazole ring to any extent.

(20) **Naphthalene indole carboxylate (NM-2201 and FDU-PB-22):** any compound structurally derived from N-(naphthalen-1-yl)-1H-indole-3-carboxylate or N-(naphthalen-2-yl)-1H-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl or 2-(4-morpholinyl)alkyl,

whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

3. **Severability:** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

4. **Government Code:** It is officially found and determined that the meeting at which this Ordinance was adopted, was open to the public and the public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.


5. **Emergency Provision:** The City Council finds that this Ordinance relates to the immediate preservation of the public peace, safety and welfare, in that it is necessary that Section 62-214 be added in their final form so as to provide for protection and safety of the citizens of the City of Deer Park, which creates an emergency, for which the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with and this Ordinance should be passed finally on its introduction; and, accordingly, such requirement is dispensed with and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, passed, approved and adopted on this the 17 day of March, 2015 by a vote of 7 "Ayes" and 0 "Noes".




MAYOR, City of Deer Park, Texas

ATTEST:


City Secretary

APPROVED:


City Attorney