

CHAPTER 15

MDPV CONTROL

SECTION:

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6-15-1: MDPV CONTROL

Section 1

- A. **Purposes:** This chapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the Village of East Alton by prohibiting the use, possession, distribution, or delivery of any substance containing MDPV as hereinafter defined, it being the specific finding of the Village of East Alton that such substances have a dangerous effect upon anyone using and/or ingesting said substances and have no medicinal or beneficial purposes.

Section 2

- A. **Definitions:** As used in the Section, the following words and/or phrases shall have the following meanings as set forth herein:
1. "Use." The partaking, inhaling, smoking consumption, ingestion or injection of MDPV;
 2. "Deliver," the actual, constructive, or attempted transfer from one person to another of MDPV, whether or not there is an agency relationship, and includes a sale:
 3. "Distribute," to deliver other than by administering or dispensing MDPV;
 4. "MDPV" includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3.4 Methylendioxyprovalerone, Methylone, Mephedrone, 4-methozymethcathinone, 4-Flourmethcathinine, and 3-Flouromethcathinone:
 5. Possess" means with the knowledge of the presence and nature of a substance, either actually or constructively in control of a substance. A person has actual

possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

6-15-2: GENERAL PROHIBITION

It shall be unlawful for any person to use, possess, distribute or deliver any substance containing MDPV as defined in this chapter.

6-15-3: PENALTY AND INJUNCTIVE RELIEF

- A. Each day a violation of Section 1 exists shall be considered a separate offense.
- B. The Village Attorney may institute any action for injunctive relief to enforce the provision of this Section 1.
- C. Every act or omission constituting a violation of any of the provisions of this chapter by any agent or employee of any person shall be deemed and held to be the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him or it personally, provided such act or omission was with the scope of employment or the scope of authority of such agent or employee.
- D. Any person who shall violate or fail to comply with any of the provisions of this chapter shall be subject to penalty as provided in Title One Chapter Four of this code.

6-15-4: EFFECTIVE DATE

This Ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

6-15-5: SAVINGS CLAUSE

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

6-15-6: SEVERABILITY CLAUSE

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees

that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which has been invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.