

ORDINANCE NO. 2362

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADDING CHAPTER 9.34 TO THE REDLANDS MUNICIPAL CODE RELATING TO THE REGULATION OF EPHEDRINE PURCHASES

THE CITY COUNCIL OF THE CITY OF REDLANDS does ordain as follows:

Section 1. Chapter 9.34 is hereby added to the Redlands Municipal Code and shall read as follows:

Chapter 9.34

Regulation of Ephedrine Purchases

- 9.34.010 Legislative Purpose
- 9.34.020 Definitions
- 9.34.030 Limitation on Sales
- 9.34.040 Penalties

9.34.010 Legislative Purpose

A. The City Council of the City of Redlands finds that there is a current and immediate threat to the public health, safety and welfare in that the manufacture, processing, transportation, possession and sale of illicit narcotics and drugs are inherently dangerous and that chemicals, compounds, substances, byproducts and wastes which are associated with the manufacture of illicit narcotics and drugs are both dangerous and injurious to the health, welfare and safety of the citizens of Redlands.

B. The City Council of the City of Redlands finds that there has been a dramatic increase of sales, reports of sales, thefts and possession of over-the-counter drugs which contain substances known as ephedrine, pseudoephedrine and pseudoephedrine hydrochloride along with other substances and products associated with the manufacture of methamphetamine and that retailers are regularly victimized by those persons who steal these substances, drugs and products on a regular basis.

C. The City Council of the City of Redlands finds that the general public does not normally purchase the described products in multiple quantities and it is not the City Council's intent to restrain legitimate business or customers from selling or purchasing the described products.

D. No provision of this Chapter shall hinder or supersede any other applicable state or

federal statute.

9.34.020 Definitions

The following definitions apply to this Chapter:

A. "Ephedrine" means any drug, substance or compound, whether legal or illegal that contains pseudoephedrine hydrochloride, pseudoephedrine or ephedrine. These are commonly known as, but not limited to, decongestants, nasal decongestants, antihistamines and pep pills.

B. "Retailer" means any retail business, company, corporation, person, employee, associate, or wholesaler who furnishes, distributes, sells or gives away products as described in this Chapter.

C. "Customer" means any person who purchases or acquires the products described in this Chapter, or persons, who are present for the purchase or acquisition of the products described in this Chapter.

D. "Sell" means to furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

E. "Count" means the number of pills, tablets, capsules or individual units of a substances contained within an individual package, box or container.

9.34.030 Limitation on Sales.

No retailer shall knowingly sell and no customer shall acquire more than four packages, per day, of a product containing ephedrine. No retailer shall knowingly sell and no customer shall acquire, per day, products containing ephedrine where the total count exceeds 100, or such other lesser count as may be established by State or Federal law.

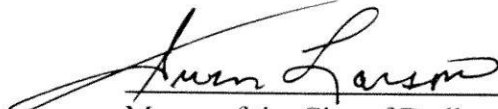
9.34.040 Penalties.

Any person, customer, or retailer violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment."

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

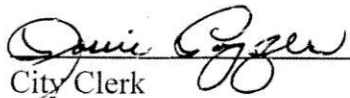
Section 3. This ordinance shall be in force and take effect as provided by law.

Section 4. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City of Redlands.



Mayor of the City of Redlands

Attest:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 7th day of October, 1997, by the following vote:

AYES:	Councilmembers Gilbreath, Cunningham, Gil, Banda; Mayor Larson
NOES:	None
ABSENT:	None
ABSTAINED:	None



City Clerk