BILL 2014-45
BILL 2014-46
BILL 2014-47

****** Third Reading ******

AGENDA ITEM

TO: Mayor and City Council

FROM: Police Chief Rick Bashor

DATE: September 10, 2014

RE: **MISCELLANEOUS OFFENSES – Three New Ordinances**

Issue:
In January of 2014, the Missouri State Highway Patrol Charge Code Manual included two new charge codes available for ordinance violations. One of these charge codes involves the inhalation of solvents and the other is for the offense of stalking. Related to the stalking offense is also a charge code for harassment which became effective in 2003 but was never adopted into the City of Cameron Codes.

Background:
In the past, offenses for harassment, stalking, and the inhalation of solvents have all been forwarded to the associated county prosecutor's offices for prosecution. Sometimes charges are filed but often due to congested court dockets, many misdemeanor offenses go unprosecuted. Adoption of these three ordinances will give Cameron Officers the ability to write Municipal Summons for these violations which will include the arrest and booking process and have the case stay within the local court system for prosecution and revenue generation. Ultimately, immediate consequences for such violations will greatly help curtail these types of incidents

Action:
Staff recommends approval of all three Code modification Ordinances. Code changes require three (3) readings.

Bill 2014-46

AN ORDINANCE OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, CREATING SECTIONS 8-4.6 THROUGH 8-4.6b REGARDING THE INHALATION OF SOLVENTS TO ARTICLE I - IN GENERAL, OF CHAPTER 8 – OFFENSES MISCELLANEOUS OF THE CITY OF CAMERON CODE

WHEREAS, the purposeful inhalation of solvents to cause symptoms of intoxication and euphoria is a serious health risk; and

WHEREAS, the State of Missouri has passed legislation dealing with this issue at the state level as well as creating charge codes available for local/ordinance violations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:

Section 1. The Mayor and City Council are hereby authorized to create Sections 8-4.6 through 8-4.6b as follows:

Sec. 8-4.6 Inhalation or inducing others to inhale solvent fumes to cause certain reactions, prohibited - exceptions.

No person shall intentionally smell or inhale the fumes or any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(State law reference – Similar provisions, RSMo 578.250)

Sec. 8-4.6a Inducing, or possession with intent to induce, symptoms by use of solvents, prohibited.

(a) As used in this Section "alcohol beverage vaporizer' means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

(b) No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

1. Solvents, particularly toluol;
2. Ethyl alcohol;

Third Reading

3. Amyl nitrite and its iso-analogues;
4. Butyl nitrite and its iso-analogues;
5. Cyclohexyl nitrite and its iso-analogues;
6. Ethyl nitrite and its iso-analogues;
7. Pentyl nitrite and its iso-analogues; and
8. Propyl nitrite and its iso-analogues.

(c) This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

(d) No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and proplyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 8-4.6 and this Section.

(e) No person shall possess or use an alcoholic beverage vaporizer.

(f) Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor.

(State law reference – Similar provisions, RSMo 578.255)

Sec. 8-4.6b Possession or purchase of solvents to aid others in violations, prohibited – violations of Sections 8-4.6 to 8-4.6a – penalty.

(a) No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and proplyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 8-4.6 and 8-4.6a hereof.

(b) Any person who violates any provision of Sections 8-4.6 – 8-4.6a is guilty of an ordinance violation for the first (1st) violation.

(Note – Under certain circumstances this offense can be a felony under state law.)
(State law reference – Similar provisions RSMo 578.260)

Section 2. The Mayor is authorized to sign this Ordinance, approving it on behalf of the City of Cameron.

Section 3. The City Clerk is directed to attest to the Mayor's signature.

Section 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved on first reading this 22nd day of September 2014.
Passed and approved on second reading this 6th day of October 2014.
Passed and approved on third and final reading this 20th day of October 2014.

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Mayor Dennis M. Clark

ATTEST:

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City Clerk/Finance Clerk

Third Reading