

ORDINANCE NO. O-2007-2

AN ORDINANCE ADDING SECTION 513.14 CRIMINAL SOLICITATION OF A CONTROLLED SUBSTANCE TO THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM, DECLARING AN EMERGENCY AND REPEALING ALL PRIOR OTHER INCONSISTENT ORDINANCES.

WHEREAS, the Chief of Police has recommended to the Safety Committee that this ordinance be adopted; and

WHEREAS, the Safety Committee has recommended to Council that this would be a new tool for drug enforcement; and

WHEREAS, this matter is an emergency measure affecting the health, safety and general welfare of the residents of the Village of Windham;

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham three-fourths or more of the members elected thereto concurring that:

Section One: That Section 513.14 Criminal Solicitation of a Controlled Substance be added to the Codified Ordinances of the Village of Windham to read as follows:

513.14 CRIMINAL SOLICITATION OF A CONTROLLED SUBSTANCE.

- (A) No person, with intent to purchase or otherwise obtain or possess a controlled substance, shall knowingly induce, solicit, entice or procure another person who is eighteen years of age or older, whether or not the offender knows the age of such person, to exchange the controlled substance for property, services, money or any other item, thing or benefit of value.
- (B) No person, with intent to purchase or otherwise obtain or possess a controlled Substance shall knowingly induce, solicit, entice or procure another person who is a juvenile, whether or not the offender knows the age of such juvenile, to do either of the following:
 - (1) Exchange the controlled substance for property, services, money or any other item, thing or benefit of value; or
 - (2) Act or otherwise serve as an intermediary, or otherwise aid or assist in the purchasing or otherwise obtaining the controlled substance for the offender.
- (C) This section does not apply to any person who purchases or otherwise obtains a controlled substance pursuant to a prescription issued by a practitioner. This section also does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741.

Section Two: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open

meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section Three: This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, Ohio and this Ordinance shall go into full force and effect immediately upon its passage by three-fourths of the members of Council.

PASSED IN COUNCIL this 20th day of February, 2007.

Vote of Council: Ayes: Rachel Barrett, Sonya Edwards, Marian Garrett, Scott Garrett, Jodi Minotti, Phil Snyder. Nays: None.

ATTEST:

APPROVED:

Lloyd C. Billman, Village Fiscal Officer

C. James Moore, Mayor

I hereby certify that the above ordinance was duly published by public posting at predesignated posting places.

Lloyd C. Billman, Village Fiscal Officer

Cortland Bank, D&A Citgo, Windham Hardware, Windham Pharmacy, Windham Sparkle