

ORDINANCE NO. 5-01 of 2011

AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, POSSESSION, MANUFACTURE AND/OR PRODUCTION OF METHYLENEDIOXYPYROVALERONE (MDPV), COMMONLY REFERRED TO AS "BATH SALTS", AND/OR ANY DERIVATIVES THEREOF FOR HUMAN USE, CONSUMPTION, INGESTION, INHALATION OR OTHERWISE, AND PROVIDING FOR ENFORCEMENT PROVISIONS, INCLUDING PENALTIES FOR VIOLATIONS.

WHEREAS, the Township of Pittston has been advised that products containing Methylenedioxypropylvalerone (MDPV) have been linked to serious physical effects to persons resulting in hospitalizations and death.

WHEREAS, the Township of Pittston has experienced an increase in crime, illegal activity and motor vehicle code violations due to the human use, consumption, inhalation and/or ingestion of Methylenedioxypropylvalerone (MDPV).

WHEREAS, in an effort to protect the health, safety and welfare of the citizens of the Township of Pittston, the Board of Supervisors of Pittston Township desires to implement a ban on the use, sale, distribution, possession, manufacture and/or production of Methylenedioxypropylvalerone (MDPV) and/or any derivatives thereof within the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PITTSTON TOWNSHIP AS FOLLOWS:

SECTION 1. DEFINITIONS AND INTERPRETATION

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

a different meaning. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular shall include the plural, and words in the masculine shall include feminine and neuter.

a. Methylenedioxypropylone (MDPV): A psychoactive drug with stimulant properties that acts as a norepinephrine-dopamine reuptake inhibitor (NDRI). Reportedly, it has been sold since around 2004 as a research chemical. It is also known as MDPK, Magic, Super Coke and PV. Although not an all-inclusive list, the definition includes all products sold and/or distributed using the following street and/or brand names: Bath salts, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Vanella Sky, Bonzai Grow, Blue Silk, Serenity Now, Lovey Dovey, Euphoria, Aura, Red Dove and White Dove, Ivory Wave, Bounce, Plant Food, Meph, Mad Cow, Shake N'Vac, Drone, Bubbles, Meow Meow, MCAT, 4MMC, Spice, Blaze, Red X Dawn, SPICE-Diamond, Gold, Tropical Synergy, Arctic Synergy, Gold Spirit, PEP Spice, Yucatan Fire, Smoke, K2, Skunk, Space, K2 Citron and K2 Blonde (hereinafter at times collectively referred to as "MDPV").

b. Person: Any individual, including adults and/or minors, partnership, corporation, limited liability company, trust, association, and/or any other entity form or combination thereof.

c. Possession: Possession may be actual or constructive.

d. Manufacture: The production, preparation, propagation, compounding, conversion and/or processing of MDPV and/or any derivative thereof, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of MDPV and/or any derivative thereof, and/or the labeling of any container used to package it.

e. Produce or Production: Planting, cultivating, tending, harvesting and/or the mixing of or combining of any chemicals, herbs and/or any other materials, whether solid or liquid, that results in the creation of MDPV and/or any derivative thereof.

f. Knowledge: Knowledge may be actual or constructive.

SECTION 2. PROHIBITED CONDUCT

Unless performed exclusively for purposes of lawful research, teaching and/or chemical analysis, it shall be unlawful for any person to knowingly:

a. Use, consume, ingest, inhale or otherwise introduce into the human

- body any MDPV;
- b. Sell and/or display for sale any MDPV to any person;
 - c. Possess with intent to use, consume, ingest, inhale or otherwise introduce into the body any MDPV and/or its derivatives;
 - d. Give, exchange, deliver, distribute, aid, abet and/or otherwise assist another person in obtaining MDPV;
 - e. Manufacture any MDPV, and/or
 - f. Produce any MDPV.

SECTION 3. PENALTIES

Any person violating any provision of this Ordinance shall be guilty of a summary offense, and upon conviction, shall be fined up to ONE THOUSAND DOLLARS (\$1,000.00) for each offense, plus costs, and be subject to imprisonment not to exceed thirty (30) days per offense. Any products seized pursuant to this Ordinance are subject to forfeiture. In addition to any other penalties imposed, any person found guilty of violating any provision of this Ordinance shall be ordered to pay an administrative fee to the Pittston Township Police Department to cover the cost of testing any substances collected and/or seized.

SECTION 4. SEVERABILITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the

purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 5. CONFLICT

All other Ordinances and/or parts of other Ordinances that are inconsistent with and/or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

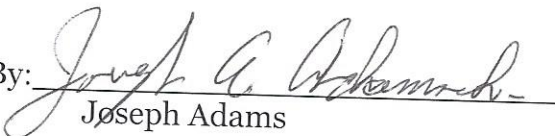
SECTION 6. EFFECTIVE DATE

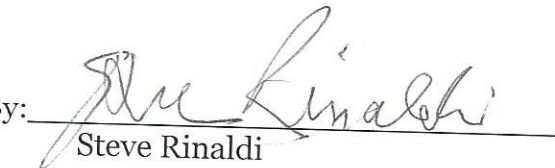
This Ordinance shall become effective immediately upon approval by the Board of Supervisors of Pittston Township.

ENACTED AND ADOPTED by the Pittston Township Board of Supervisors this 5 day of May, 2011.

ATTEST:



By: 
Joseph Adams

By: 
Steve Rinaldi

By: 
Ronald Marcellini