

**PROHIBITION OF THE SALE, POSSESSION, OR DELIVERY OF
SYNTHETIC COCAINE OR SUBSTANCES CONTAINING COCAINE SOLD
AS “BATH SALTS”**

WHEREAS, it is the desire of the Mayor and Council to control and minimize the use of synthetic cocaine and substances that contain cocaine and

WHEREAS, it is desirous for the City of Nokomis to be able to enforce laws with respect to such behavior,

NOW BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NOKOMIS, ILLINOIS AS FOLLOWS:

1: DEFINITIONS:

The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

SYNTHETIC COCAINE, “Bath Salts” or substance containing cocaine: Include but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Loud Nine, Charge Plus, White Lightening, Scarface, Hurricane, Charles Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of cocaine, including but not limited to Methylenedioxypropylamphetamine, (a psychoactive drug), or cathinone derivatives, or contains norepinephrine-dopamine reuptake inhibitor (NDRI)

DELIVER OR DELIVERY: Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.

KNOWINGLY: Knows, acts knowingly or with knowledge:

- A. The nature or attendant circumstances of his/her conduct described by the section defining the offense when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.
- B. The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
- C. Knowledge may be inferred from the surrounding circumstances.

MANUFACTURE: The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, 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 synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.

PERSON: Any individual, corporation business trust, estate, trust partnership or association, or any other entity.

POSSESSION: Possession maybe either actual or constructive.

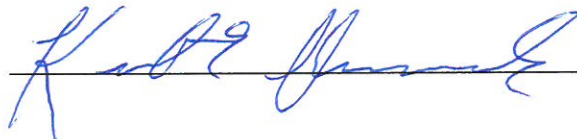
- A. Actual possession means exercising physical dominion.
- B. Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

2: POSSESSION OF SYNTHETIC COCAINE OR SUBSTANCE CONTAINING COCAINE OR "BATH SALTS" PROHIBITED:

- A. Violation: No person shall, knowingly possess or deliver any substance containing synthetic cocaine or a substance containing cocaine.
- B. Penalty: Any person who pleads guilty or is found guilty of violating this ordinance by a court of law shall be punished by a minimum fine of not less than \$500 (five hundred dollars) and not more than \$1000 (one thousand dollars)
- C. Administration Fee: In addition, any person who violates any provision of this section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of \$250 (two-fifty hundred dollars) to the law enforcement agency for testing of the substance(s) collected.
- D. Forfeiture: Any items which may be seized or forfeited pursuant to section 720 Illinois Compiled Statutes 550/12, may be forfeited in the same manner as described therein for a violation of this section.
- E. Exception: Any person, who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this section.

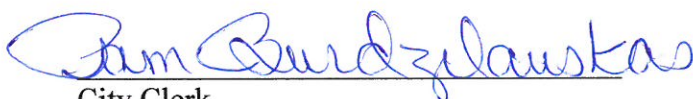
3: This ordinance shall be in full force and effect ten (10) days from its passage and publication in pamphlet form as required by law.

Adopted this 14th day of MAY, 2012.



Keith Hancock
Mayor

ATTEST:



City Clerk

STATE OF ILLINOIS)
) SS
MONTGOMERY COUNTY)


CERTIFICATION

I, PAMELA J. BURDZILAUSKAS, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on MAY 14 , 2012 the City Council of such municipality passed and approved Ordinance No. 981 which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 981 , including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on MAY 16 , 2012, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

Dated at Nokomis, Illinois, this 14th day of MAY , 2012.


CITY CLERK