

ORDINANCE NO. 1254

LIMITS ON THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE BY ADDING A NEW CHAPTER NINE TO TITLE EIGHT ESTABLISHING LIMITS ON THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS AND PROVIDING THAT VIOLATIONS OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY A ONE THOUSAND DOLLAR (\$1,000.00) FINE OR BY IMPRISONMENT FOR SIX (6) MONTHS IN THE PAYETTE COUNTY JAIL, OR BOTH; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; SETTING AN EFFECTIVE DATE.

WHEREAS, methamphetamine is an illegal drug that is produced using legal precursor substances such as pseudoephedrine, which is contained in over-the-counter medicines sold in retail outlets; and,

WHEREAS, methamphetamine is produced and distributed in our communities with negative social effects, including harm to children, families, increasing crime and property damage; and,

WHEREAS, the production of methamphetamine in illegal labs can cause significant health and safety risks such as the danger of fire, explosion, and environmental hazards from production byproducts; and,

WHEREAS, the legislature of the State of Idaho has not enacted any laws to control the sale of pseudoephedrine, a precursor drug used to manufacture methamphetamine; and,

WHEREAS, the City Council of the City of Payette deems it to be in the best interest of the health, safety and welfare of the citizens of the City of Payette to regulate the sale of pseudoephedrine, a precursor drug used to manufacture methamphetamine.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

SECTION 1. TITLE 8 of Payette City Code is hereby amended with the addition of a new chapter 9, which chapter shall read as follows:

CHAPTER 8.09.010 - REGULATION OF THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS.

8.09.010: Definitions:

The following definitions shall apply in this Chapter:

(a) Methamphetamine precursor drugs:

(i) a drug or product containing as its sole active ingredient pseudoephedrine or any of its salts, optical isomers, or salts of optical isomers; or

(ii) a combination drug or product containing as one of its active ingredients pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers.

(iii) this term does not include any compounds, mixtures, or preparations that are in liquid, liquid capsule, or gel capsule form.

(b) "Over-the-counter sales" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

(c) "Retailer means any person, corporation, partnership or other business entity conducting business within the City of Payette, Idaho, who sells or furnishes any over-the-counter drug product containing pseudoephedrine.

8.09.020: Prohibited Acts:

- (a) It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or to otherwise furnish in a single transaction more than three (3) packages of any product that he or she knows to contain more than a total weight of nine (9) grams of methamphetamine precursor drugs.
- (b) The limits established in this section shall not apply to any quantity of methamphetamine precursor drugs dispensed pursuant to a valid prescription.

8.09.030: Limitation on Accessibility to and Sale of Methamphetamine Precursor Drugs:

A business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only:

- (a) behind a checkout counter where the public is not permitted; or
- (b) inside a locked display case; and
- (c) all sales shall be conducted by or with an employee of the retailer and shall not be conducted by a self-service system; and

8.09.040: Penalty:

Any person or entity violating the provisions of this Chapter is guilty of a misdemeanor, the penalty for which shall be a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six months (6) months, or both.

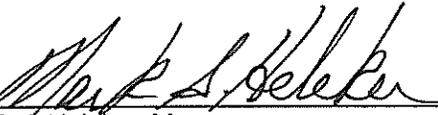
SECTION 2: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3: The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

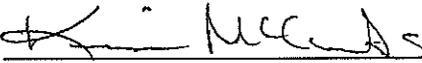
SECTION 4: This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

PASSED, APPROVED, ADOPTED and SIGNED this 12th day of January, 2006.

City Of Payette

by 
Mark Heleker, Mayor

ATTEST:


Kellie McCombs, City Clerk

SUMMARY OF ORDINANCE 1254

Ordinance 1254 is an ordinance of the City Of Payette, Idaho, adopted January 3, 2006. The ordinance may be descriptively known as the Payette City Limitation on the Sale of Methamphetamine Precursor Drugs Ordinance. Ordinance 1254 places limits on the sale of methamphetamine precursor drugs by defining pseudoephedrine as a methamphetamine precursor drug and by making it unlawful to knowingly to sell, transfer, or to otherwise furnish in a single transaction more than three (3) packages of any product that he or she knows to contain more than a total weight of nine (9) grams of methamphetamine precursor drugs. Those limits do not apply to any quantity of methamphetamine precursor drugs dispensed pursuant to a valid prescription. The Ordinance further requires that a business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only behind a checkout counter where the public is not permitted or inside a locked display case. It further requires that all sales shall be conducted by or with an employee of the retailer and shall not be conducted by a self-service. Ordinance 1254 provides that violations of the chapter are a misdemeanor punishable by a \$1,000.00 fine or by imprisonment for six months in the Payette county jail, or both; The Ordinance provides a severability clause, provides for publication by summary, sets an effective date, establishes a repealer and establishes a penalty in the event of a violation.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1254 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 17th day of January, 2006.



Bert L. Osborn

Albertson's
405 S. Main St.
Payette, ID 83661

Albertson's
PO Box 20
Boise, ID 83726

Minit Market
915 7th Ave. N.
Payette, ID 83661

Lonnie's
PO Box 217
Payette, ID 83661

Jerry's
650 N. 6th St.
Payette, ID 83661

Jackson's
PO Box 610
Meridian, ID 83680

Jackson's
830 2nd Ave. S.
Payette, ID 83661

Jackson's
565 S. 16th St.
Payette, ID 83661

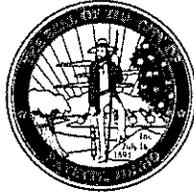
Campo's
PO Box 316
Fruitland, ID 83619

Matsubu Inc.
1537 1st Ave. S.
Payette, ID 83661

*These are the stores I sent
to on 1-13-06
also gave Mark & Toni a copy
Bobbi*

*Did not get a summary
to publish from Bert*

Kellie McCombs, CMC
Deputy City Clerk/HR



City of Payette
700 Center Avenue
Payette, Idaho 83661
208-642-6024

OFFICE OF THE CITY CLERK

January 11, 2006

Information Release

RE: City of Payette Ordinance Number 1254

Dear Business Owner,

Enclosed is a copy of *City of Payette Ordinance Number 1254*. This ordinance addresses the regulation of the sale of methamphetamine precursor drugs. Specifically, those over-the-counter products which contain pseudoephedrine which is the primary component in the manufacturing of methamphetamine.

This Ordinance shall be in effect on February 17, 2006. Please familiarize yourself with the ordinance and the rules which will be in place for the sale of such products. We apologize for any inconvenience this may cause. City Hall is available at 642-6024 to assist you with any questions or concerns you may have as you bring your business into compliance with this new rule.

Thank you for your support as we all strive to provide a healthier and safer environment for our children and families.

Sincerely,

City of Payette
Kellie McCombs, CMC
City Clerk

Enclosure

