



City of South Bend Common Council

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Tim Scott
President

July 3, 2018

Oliver Davis
Vice-President

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Re: *Amendment to South Bend Synthetic Drug Ordinance, §13-75.5(o)(6)*

Dear Council Members:

Regina Williams-Preston
Second District

We are filing the attached proposed text amendment to the disorderly house ordinance and the prohibition of dealing certain substances including synthetic drugs and synthetic drug lookalikes. The nature and chemical composition of synthetic drugs and synthetic drug lookalike substances are constantly changing, requiring the Indiana Legislature to continually amend and update various definitions of these substances. The purpose of this amendment is to update the ordinance to be in conformity with recent statutory amendments, many of which became effective July 1, 2018.

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Jake Teshka
Fifth District

We would like first reading on the proposed amendment for July 9, 2018, with second and third readings and public hearing scheduled for July 23, 2018.

Oliver Davis
Sixth District

Gavin Ferlic
At Large

Thank you for your consideration.

John Voorde
At Large

Karen White
At Large

Sincerely Yours,

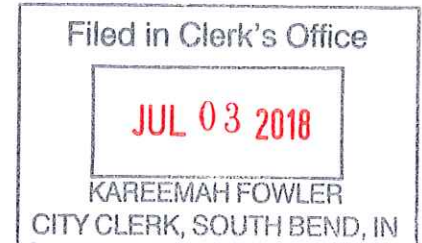
Tim Scott, President

Karen L. White

South Bend Common Council,

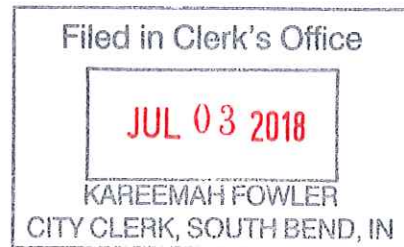
District 1

South Bend Common Council, At Large



BILL NO. 31-18

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING §13-75.5(O)(6) OF CHAPTER 13, ARTICLE 5 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO DISORDERLY HOUSES AND PROHIBITING DEALING IN MARIJUANA, HASH OIL, HASHISH, SALVIA, SYNTHETIC DRUGS AND SYNTHETIC DRUG LOOKALIKE SUBSTANCES

STATEMENT OF PURPOSE AND INTENT

The South Bend Municipal Code prohibits various conduct which would constitute a disorderly house. The prohibited conduct includes, among other things, dealing with substances including synthetic drugs or synthetic drug lookalike substances. The current ordinance refers to State statutes in defining violations. The purpose of this amendment is to conform with recent amendments to State statutes defining synthetic drugs and synthetic drug lookalike substances. The amendment also eliminates reference to I.C. 16-42-28.6 *et seq.* because those statutes have been repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. Chapter 13, Article 5, is amended to replace Section 13-75.5(o)(6) with the following:

(6) Dealing in marijuana, hash oil, hashish, salvia, a synthetic drug, as defined by IC 35-31.5-2-321 or IC 25-26-13-4.1 as those statutes are from time to time amended, or a synthetic drug lookalike substance, as defined in IC 35-31.5-2-321.5 as from time to time amended, in violation of IC 35-48-4-4.5, 35-48-4-4.6, 35-48-4-5, IC 35-48-4-10, or IC 35-48-4-11.5. The distribution of low THC hemp extract in full compliance with IC 24-4-21-1 *et seq.* is excluded from this subpart.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2018.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____m.

Pete Buttigieg, Mayor
City of South Bend, Indiana