

CHAPTER 130: GENERAL REGULATIONS

Section

- 130.01 Wearing of masks, hoods or face coverings in public places
- 130.02 Synthetic cannabinoids, possession or sale prohibited
- 130.03 Alcohol and controlled substances offenses involving minors

' 130.01 WEARING OF MASKS, HOODS OR FACE COVERINGS IN PUBLIC PLACES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MASK, HOOD OR FACE COVERING. Any device that covers or conceals any portion of a person=s face so as to conceal the identity of the wearer.

PUBLIC PLACE. All walks, alleys, boulevards, avenues, lanes, roads, highways or other ways or thoroughfares dedicated to public use or owned or maintained by a public authority, all grounds and buildings owned, leased by, operated or maintained by public authority, all buildings owned, leased or operated for the use of organizations enjoying all tax-exempt privileges as a charitable use.

(B) *Wearing of masks, hoods or face coverings in public places.* Except as otherwise provided herein, no person, whether in a motor vehicle or otherwise, while wearing a mask, hood, or face covering as defined above, shall enter, remain or appear in any public place in Shelby County, Kentucky.

(C) *Exemptions.* The provisions of this section do not apply to any person:

- (1) Under 16 years of age;
- (2) Wearing a traditional holiday costume in season;
- (3) Engaged in a trade or employment where a mask, hood or face covering is worn for the purpose of ensuring the physical safety of the wearer;
- (4) Using a mask, hood or face covering in theatrical productions, including use in Mardi Gras celebrations or similar masquerade balls;

(5) Wearing a mask, hood or face covering prescribed for civil defense drills, exercises or emergencies; or

(6) Wearing a mask, hood or face covering for the sole purpose of protection from the elements or while participating in a sporting event.

(D) *Penalty.* Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than \$250 and/or imprisoned in the county jail for a period not to exceed 90 days.

(Ord. 06-28-08, passed 6-28-2005)

† **130.02 SYNTHETIC CANNABINOIDS, POSSESSION OR SALE PROHIBITED.**

(A) *Declaration of findings and policy.* Shelby Fiscal Court finds that herbal incense products marketed in the United States that provide a marijuana-like high when smoked have become increasingly popular, particularly among teens and young adults and that these products consist of plant material that has been laced with chemicals that have not been approved by the FDA for human consumption. The Court further finds the Commonwealth of Kentucky has moved to prohibit the sale and possession of similar products, but the changing nature of the products has resulted in the availability of herbal incense products that exceed the Commonwealth's definition and statutes and therefore are not properly regulated by the Commonwealth of Kentucky. The Court is aware that the side effects of the unregulated herbal incense products pose a threat to the public health and safety of the citizens of the County of Shelby and it is in the best interests of the county to regulate the sale and use of such products.

(B) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AM CANNABINOIDS. Any synthetic cannabinoids including but not limited to AM-087; AM-251; AM-281; AM-356; AM-374; AM-381; AM-404; AM-411; AM-630; AM-661; AM-678; AM-679; AM-694; AM-855; AM-881; AM-883; AM-905; AM-906; AM-919; AM-926; AM-938; AM-1116; AM-1172; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2212; AM-2213; AM-2232; AM-2233; AM-2102; AM-4030. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

CP CANNABINOIDS. CP-47,497; (C6)-CP-47,497; (C7)-CP-47,497; (C8)-CP-47,497; (C9)-CP-47,497; CP-50,556-1; CP-55,244; CP-55,940; CP-945,598. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

HU CANNABINOIDS. Any synthetic cannabinoids including but not limited to HU-210; HU-211; HU-243; HU-308; HU-320; HU-331; HU-336; HU-345. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

JWH CANNABINOIDS. Any synthetic cannabinoids including but not limited to JWH-007; JWH-015; JWH-018; JWH-019; JWH-030; JWH-047; JWH-048; JWH-051; JWH-057; JWH-073; JWH-081; JWH-098; JWH-116; JWH-120; JWH-122; JWH-133; JWH-139; JWH-147; JWH-148; JWH-149; JWH-161; JWH-164; JWH-166; JWH-167; JWH-171; JWH-175; JWH-176; JWH-181; JWH-182; JWH-184; JWH-185; JWH-192; JWH-193; JWH-194; JWH-195; JWH-196; JWH-197; JWH-198; JWH-199; JWH-200; JWH-203; JWH-205; JWH-210; JWH-213; JWH-229; JWH-234; JWH-249; JWH-250; JWH-251; JWH-253; JWH-258; JWH-300; JWH-302; JWH-307; JWH-336; JWH-350; JWH-359; JWH-387; JWH-398; JWH-424. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

PERSON. Any person, firm, group, association, organization, partnership, business, trust, corporation, company, limited liability company or any other business entity. For the purposes of this section, the president, managers, owners, shareholders, partners, members or other persons in charge of the business shall be responsible to require the business to comply with this section and shall likewise be subject to the penalties imposed for violations of this section by the business entity.

POSSESSION. To have actual physical possession or otherwise to exercise actual dominion or control over a tangible object.

TRAFFIC. To manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or sell a controlled substance.

TRANSFER. To dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution.

(C) *Possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids.*

A person is guilty of possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids when he or she knowingly and unlawfully possesses AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids.

(D) *Trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids.*

A person is guilty of trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids when he or she knowingly and unlawfully traffics in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids.

(E) *Applicability of state law.* If current or future Kentucky law prohibits any substance(s) contained in this section, the Kentucky law shall be applied instead of this section for both prosecution and penalty.

(F) *Penalties.*

(1) Any person who violates the provision of this section concerning possession of AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids shall be guilty of a Class B misdemeanor and upon conviction shall be punished by a fine not to exceed \$250 and jail time not to exceed 90 days.

(2) Any person who violates the provision of this section concerning trafficking in AM cannabinoids, CP cannabinoids, JWH cannabinoids or HU cannabinoids shall be guilty of a Class A misdemeanor and upon conviction shall be punished by a fine not to exceed \$500 and jail time not to exceed 12 months.

(3) Each day of such violation shall constitute a separate offense and no additional notice other than notice of the original offense shall be required to convict a person for multiple violations resulting from a continuation of such offense.

(Ord. 03-06-01, passed 3-6-2012)

130.03 ALCOHOL AND CONTROLLED SUBSTANCES OFFENSES INVOLVING MINORS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced, containing alcohol spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

CONTROLLED SUBSTANCE. Any scheduled substance including illegal street drugs, prescription drugs used by those other than the prescription holder or by means other than the specified use of the medication and alcohol.

GUARDIAN.

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by the court.

HOST. Someone who receives and entertains guests.

KNOWINGLY. When with respect to conduct or to a circumstance described by this section a person is aware that his or her conduct is of that nature or that the circumstance exist.

PARENT. A person who is a natural parent, adoptive parent, legal custodian, or step-parent of another person.

PARTY, GATHERING OR EVENT. A group of persons who have assembled or are assembling for a social occasion or social activity.

(B) *Hosting, permitting or allowing a party, gathering, or event where minors are consuming/using alcohol and/or controlled substances prohibited.* Except as permitted by the free exercise and enjoyment of religion, it shall be unlawful for any person to knowingly permit or allow a minor to use or consume controlled substances and/or alcoholic beverages at that person=s place of residence or other private property, place, or premises under that person=s control or for that person to host a party, gathering or event at that person=s place of residence or other private property, place, or premises under that person=s control where a minor or minors are present and using/consuming controlled substances and/or alcoholic beverages.

(C) *Mandatory minimum fines.*

(1) Notwithstanding any other provisions herein, violations of division (B) of this section shall be punishable, for a first offense, by a mandatory minimum fine of \$100, with neither fine nor costs suspended, and, on second and subsequent offense, by a mandatory minimum fine of \$200, plus costs, with neither fines nor costs suspended.

(2) The Shelby County Attorney, in the name of the Commonwealth of Kentucky shall prosecute violations of this section and may recover the response costs associated with enforcement through all remedies or procedures provided by the statute, ordinance, or law. This section shall not limit the authority of peace officers to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the Commonwealth of Kentucky=s ability to initiate and prosecute any criminal offense arising out of the same.

(D) *Prima facie evidence.* Whenever a person having control of the residence or premises is present at that residence or premises at the time that any minor obtains, possesses, uses or consumes any alcoholic beverages or controlled substances, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge, or failed to take reasonable steps to prevent the consumption or use of alcoholic beverages or controlled substances by minors and that the minor or minors obtained, possessed, used or consumed alcoholic beverages or controlled substances at the party, gathering or other event.

(E) *Penalties.* Violation of this section is a Class A misdemeanor.
(Ord. 02-05-02, passed 2-5-2013)