

AN ORDINANCE

of the Council of the City of Berkley, Michigan
Amending Chapter 82, Article VI, Division 2 Model Glue,
of the Berkley City Code to Broaden the Prohibition of Sniffing and Huffing Vapors to Cover
Other Chemical Agents Besides Model Glue.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Chapter 82, Article VI, Division 2 Model Glue, of the Berkley City Code shall be amended, as follows:

Chapter 82

OFFENSES AND MISCELLANEOUS PROVISIONS

Article VI. Offenses Against Public Morals

Division 2 Model Glue or Chemical Agent

Sec. 82-211. - Definitions.

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

Chemical agent: Any substance containing a toxic chemical or organic solvent or both, having the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone, toluene, carbon tetrachloride, hydrocarbons and hydrocarbon derivatives.

Model glue: Any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles, containing toluene, acetone or other solvent or chemical having the property of releasing toxic vapors.

Sec. 82-212. - Inhalation of fumes prohibited; exception.

No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale any fumes from any model glue or chemical agent or intentionally drink, eat or otherwise introduce any chemical agent into his or her respiratory or circulatory system. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes.

Sec. 82-213. - Possession or transfer for unlawful purpose.

No person shall for the purpose of violating or aiding another to violate any provision of this article, intentionally possess, buy, sell, transfer possession or receive possession of any model glue or other chemical agent.

Sec. 82-214. - Sale to juveniles—Restrictions.

(a) Except as provided in subsection (c) of this section and section 82-215, no person under 17 years of age shall possess or buy any model glue or other chemical agent.

- (b) Except as provided in subsection (c) of this section and section 82-215, no person shall sell or transfer possession of any model glue or other chemical agent to another person under 17 years of age.
- (c) However, a person may sell or transfer possession of model glue or other chemical agent to a person under 17 years of age for model building or other lawful use when such juvenile has in his possession and exhibits the written consent of his parent or guardian.

Sec. 82-215. - Same—Record of permitted sales required.

A person making a sale or transfer of possession of model glue or other chemical agent to a person under 17 years of age who exhibits the written consent of his parent or guardian, shall record the name, address, sex and age of the juvenile and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent type register available for inspection by the public safety department for a period of at least six months.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

SECTION 4: Effective Date


This Ordinance shall become effective 30 days following the date of adoption.


SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, June 5, 2017.

Passed on the Second Reading at the Regular City Council Meeting on Monday, June 19, 2017.

Attest:

Phommady A. Boucher, City Clerk


Phil O'Dwyer, Mayor