CITY CODE OF ORDINANCES

PART II: CODE OF ORDINANCES

CHAPTER 1. GENERAL PROVISIONS

1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Hazardous recreational activity means skateboarding, inline skating, or freestyle bicycling, and, or, any other type(s) not listed.

Hemp has the same meaning as defined in G.S. 90-87 of the North Carolina Controlled Substances Act, as the same may be amended

Hemp-derived cannabinoid means any phytocannabinoid found in hemp, including but not limited to delta-9 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBP), cannabidiolic acid (CBPA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), 9 cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBPV), cannabicitran (CBT), delta-7 tetrahydrocannabinol (delta-7 THC), delta-8 tetrahydrocannibinol (delta-8 THC), or delta-10 tetrahydrocannibinol (delta-10 THC). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp-derived consumable product.

Hemp-derived consumable products means a hemp product that is a finished good intended for human ingestion or inhalation that contains less than 0.3% of delta-9 THC concentration on a dry weight basis, but which contain concentrations of any other hemp-derived cannabinoid(s) in excess of that amount. This term does not include hemp products intended for topical application in which transdermal absorption does not occur, or seeds or seed derived ingredients that are generally recognized as safe by the United States Food and Drug Administration (FDA).

Hemp products has the same meaning as defined in G.S. 90-87 of the North Carolina Controlled Substances Act, as the same may be amended

Head of household means the person who maintains the household, or, if no one person maintains the household, the head of the household shall be the eldest person residing in the household.

Ingestion means the process of consuming a substance in any of the following manners:

1. Through the mouth, by swallowing the substance into the gastrointestinal system
2. Through tissue absorption by transdermal delivery, or any other method of skin delivery in which the substance or any of its components is absorbed beneath the skin and into the body or into the blood stream
3. Subcutaneously through injection beneath the skin
4. By needed injection into the blood stream

Inhalation means the process for consuming hemp in the respiratory system through the mouth or nasal passages

Inherent risk means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding.

Seller means any person or entity who sells or gives a hemp-derived consumable product to the consumer of the product, or who sells a hemp-derived consumable product at retail

Septage means the solid and liquid contents of privies, septic tanks or cesspools, industrial wastes, chemical compounds and sludges which are hauled by truck or other mobile conveyance.

CHAPTER 38. HEALTH AND SANITATION

(NEW) ARTICLE IV. RESTRICTIONS ON HEMP-DERIVED CONSUMABLE PRODUCTS

Contents:

- 38-195. Reserved.
- 38-196. Restriction on hemp-derived consumable products for persons under the age of 21
- 38-197. Enforcement

38-195. Reserved.

38-196. Restrictions on hemp-derived consumable products for persons under the age of 21.

It shall be unlawful of any person or entity to do any of the following

1. Knowingly, or having reason to know, sell or give a hemp-derived consumable product to a person who is under 21 years of age at any of the following prohibited locations:
    a. Within 2,000 feet of the property line of any public or private school, public park, or after school facility

b. In any public park

Any seller or giver of hemp-derived consumable products at any of these prohibited locations shall demand proof of age from a prospective purchaser or recipient of hemp-derived consumable products before the hemp-derived consumable product(s) are released to the purchaser or recipient if the seller or giver has reasonable grounds to believe that the prospective buyer or recipient is under 30 years of age.

2. Knowingly, or having reason to know, distribute samples of hemp-derived consumable products in any location where sales to a person under the age of 21 are prohibited

3. If a person is under the age of 21, to posses, purchase, or attempt to purchase any hemp-derived consumable product at any location where the sale of hemp-derived consumable products to persons under the age of 21 is prohibited.

4. If a person is under the age of 21, to use any type of fraudulent or altered identification or any identification belonging to another person, to attempt to possess or purchase a hemp-derived consumable product in violation of this section.

38-197. Enforcement.

A. Any seller who violates or fails to comply with the provisions of this Chapter shall be subject to one or a combination of the following methods:

   1. Civil penalty. Any seller who violates any provision of this Chapter shall be subject to the following penalties:
      a. For the first violation, a fine of $100.00 shall be assessed
      b. For the second violation, a fine of $250.00 shall be assessed
      c. For each violation thereafter, a fine of $500.00 shall be assessed
      d. Fines may be recovered by the City in a civil action in the nature of the debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the City as a civil penalty in a civil action.
   2. Equitable remedy. The City may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

B. Notice. The City of Brevard Police Department shall serve written notice of any violation of this Chapter to the offender.