

TITLE 20**MISCELLANEOUS****CHAPTER**

1. EPHEDRINE CONTROL.
2. BIG FIERY GIZZARD RESERVOIR RULES AND REGULATIONS.

CHAPTER 1**EPHEDRINE CONTROL****SECTION**

20-101. Ephedrine control.

20-101. Ephedrine control. (1) Definitions. As used in this section, the following words and/or phrases shall have the following meanings as set forth herein.

(a) "Ephedrine." All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all other combinations of these chemicals.

(b) "Ephedrine product." Any product that contains ephedrine, its salts, isomers, or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant qualities of other active ingredients.

(c) "Package." Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

(d) "Person." Any individual, corporation, partnership, trust, limited liability company, firm, association, or other entity selling an ephedrine product to customers.

(e) "Sell." To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

(2) Restrictions on public access to ephedrine products. It shall be illegal to sell, deliver, or distribute ephedrine, pseudoephedrine, their salts, their optical isomers or salts of their optical isomers, without a valid prescription from a physician or other healthcare professional licensed by the State of Tennessee to write prescriptions and filled by a Tennessee-licensed pharmacist.

(3) Exception. The prohibition contained in subsection (2) above shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing natural occurring or herbal ephedra and extract of ephedra.

(4) Reporting theft of ephedrine products. (a) Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance, or loss in

writing to the Tracy City Police Department within twenty-four (24) hours of such a discovery.

(b) Any person who sells ephedrine products shall report to the Tracy City Police Department any difference between the quantities of ephedrine products shipped and the quantity of ephedrine products received within twenty-four (24) hours of discovery.

(5) Penalty and injunctive relief. (a) Each violation of this section shall be considered a separate offense.

(b) The town manager may institute an action for injunctive relief to enforce the provisions of this section.

(c) Every act or omission constituting a violation of any of the provisions of this section by any agent or employee of any person shall be deemed and held to be the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee.

(6) Civil penalty. Any Town of Tracy City sworn law enforcement officer is hereby empowered to issue a citation to any person for any violation of the provisions of this section.

(a) Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if the person cannot be readily found.

(b) Any citation so delivered or mailed shall direct the alleged violator to appear in town court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same.

(c) Citations issued for a violation of any of the provisions of this section shall be tried in the town court.

(d) The town court judge shall determine whether a defendant has committed a violation of this section.

(e) The town shall bear the burden of proof by a preponderance of the evidence.

(f) If a defendant pleads guilty or "no contest" to the alleged violation, or is found guilty by the town court judge, the town court judge shall assess a civil monetary fine as a penalty against any person found to have violated any of the provisions of this section, said fine to be in an amount of fifty dollars (\$50.00) for each violation.

(g) Each day of violation shall be deemed a separate violation. Each separate package containing any substance containing any ephedrine as defined herein shall be deemed a separate violation.

(h) In addition to the civil monetary fine, any defendant who pleads guilty or "no contest" to the alleged violation, or who is found

guilty by the town court judge, shall be assessed court costs as provided by law, and in addition shall be ordered to pay an administrative fee to the town in an amount to recoup the cost incurred by the town law enforcement agency for any chemical test conducted by or at the request of the law enforcement agency that is used to determine the chemical content of any substance collected from the defendant which formed the basis for any citation charge.

(i) Appeal may be had as provided by law. (Ord. #02-13, July 2013)

CHAPTER 2

BIG FIERY GIZZARD RESERVOIR RULES AND REGULATIONS

SECTION

20-201. Rules and regulations.

20-201. Rules and regulations. The Big Fiery Gizzard Reservoir provides drinking water for citizens, businesses and activities of the Town of Tracy City. Rules and regulations intended to preserve the integrity of the reservoir water supply are incorporated by reference as if fully set out herein.¹

¹Ordinance #03-13, and any amendments thereto, are available for viewing in the office of the recorder.