

ORDINANCE NO. 101-2008

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES -
METHAMPHETAMINE CONTAMINATION NOTICE**

**AN ORDINANCE AMENDING CHAPTER 660 OF THE BARBERTON
CODIFIED ORDINANCES, "SAFETY, SANITATION AND HEALTH," BY ADDING A
SECTION ENTITLED "NOTICE OF CONTAMINATION FROM
METHAMPHETAMINE PRODUCTION," AND DECLARING AN EMERGENCY.**

WHEREAS, the manufacture of methamphetamine constitutes the illegal manufacture of a controlled substance under Section 2925.04 of the Ohio Revised Code; and

WHEREAS, the illegal manufacture of methamphetamine has increased within the State of Ohio and within the County of Summit in recent years; and

WHEREAS, illegal manufacture of methamphetamine is often conducted in small, clandestine, home-based laboratories in residential communities and can result in significant contamination of residential and commercial properties from hazardous wastes resulting from the methamphetamine manufacturing process; and

WHEREAS, the contamination from these hazardous wastes poses a serious risk to the health of current and future occupants and users of real property where illegal methamphetamine manufacture has taken place; and

WHEREAS, the City of Barberton recognizes the serious threat that contamination from hazardous waste resulting from illegal manufacture of methamphetamine poses to the public health of the community; and

WHEREAS, the City of Barberton wishes to increase awareness of the dangers of contamination from the illegal manufacture of methamphetamine for a transferee of all real property where a clandestine production laboratory has been discovered, so that the transferee may take steps to protect himself/herself from these dangers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That a Section be added to Chapter 660 of the Barberton Codified Ordinances entitled "Notice of Contamination from the Illegal Manufacture of Methamphetamine," as follows:

**NOTICE OF CONTAMINATION FROM THE ILLEGAL MANUFACTURE OF
METHAMPHETAMINE:**

(A) In all transfers of all real property identified as illegal methamphetamine manufacturing laboratory sites by a Federal, Ohio, Summit County, or City of Barberton law enforcement agency, the transferor must disclose to the transferee the prior or current existence of an illegal methamphetamine manufacturing laboratory, a chemical dumpsite, or any hazardous wastes on the real property, of which the transferor has actual knowledge.

(B) For purposes of this Section, the following terms shall have the meanings as provided below:

1. "Box Lab" shall mean any illegal methamphetamine manufacturing laboratory that is portable, including but not limited to, motor vehicles used as an illegal methamphetamine manufacturing laboratory;

2. "Chemical dumpsite" shall mean any place or area where chemicals or other waste materials used in an illegal methamphetamine manufacturing laboratory have been located;

3. "Hazardous wastes" shall mean waste generated from an illegal methamphetamine manufacturing laboratory;

4. "Illegal methamphetamine manufacturing laboratory" has the

same meaning as in Section 3745.13 of the Ohio Revised Code;

5. "Illegal methamphetamine manufacturing laboratory site" shall mean any place or area where law enforcement has determined that the conditions associated with the operation of an illegal methamphetamine manufacturing laboratory exist. Conditions associated with the operation of an illegal methamphetamine manufacturing laboratory include, but are not limited to, the existence of an illegal methamphetamine manufacturing laboratory, a box lab, or chemical dumpsite, or the storage of chemicals used in the production of methamphetamine. An illegal methamphetamine manufacturing laboratory site may include dwellings, accessory buildings, accessory structures, commercial buildings, motor vehicles, or any land;

6. "Methamphetamine" has the same meaning as in Section 3745.13 of the Ohio Revised Code;

7. "Transfers of real property" means the transfer or conveyance of any interest in real property by sale, lease, gift or land contract; and

8. "Real property" shall include any buildings or structures located on the real property.

(C) All disclosures required in this Section shall be made on a form provided by the City Law Department.

(D) Nothing in this Section shall be interpreted as to abrogate any disclosure required by or remedies provided in Section 5302.30 of the Ohio Revised Code. As used in this Section, "residential real property" has the same meaning as used in 5302.30(A) of the Ohio Revised Code.

(E) Whoever violates any provision of this section shall be guilty of a misdemeanor of the first degree, punishable by a maximum fine of \$1,000 and up to 180 days in jail.

SECTION 2. That all other terms and provisions in Chapter 660 not amended herein, be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason to protect home buyers and other transferees of all real property in the City of Barberton from the dangers of contamination from the illegal manufacture of methamphetamine, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2008

Clerk of Council

President of Council

Approved _____ 2008

Mayor