

BY THE COUNCIL: BEAUMONT, HIGGINS, PAGE, AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 4 ("PUBLIC HEALTH AND SAFETY"), CHAPTER 12 (GENERAL CRIMINAL OFFENSES DEFINED), SECTION 11 ("INTOXICATION BY INHALATION OF TOXICANTS OR SOLVENTS"), BY AMENDING THE TITLE AND LANGUAGE TO PROHIBIT THE CONSUMPTION, INHALATION, AND INGESTION OF, AND POSSESSION WITH THE INTENT OF CONSUMING, INHALING, AND INGESTING, CERTAIN SUBSTANCES FOR THE PURPOSE OF BECOMING OR ATTEMPTING TO BECOME INTOXICATED; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

**SECTION 1.** That Title 4, Chapter 12, Section 11 ("Intoxication by Inhalation of Toxicants or Solvents"), Garden City Code be, and the same is hereby amended, to read as follows:

4-12-11: **INTOXICATION BY OR POSSESSION OF INHALANTS, TOXICANTS, OR SOLVENTS BY ADULTS: BY INHALATION OF TOXICANTS OR SOLVENTS:**

A. Except as provided in Subsection D, it shall be unlawful for any person, eighteen (18) years of age or older, to become or attempt to become intoxicated by inhaling, consume, inhale, or ingest, or attempt to or possess with the intent to consume, inhale, or ingest, for the purpose of becoming or attempting to become intoxicated, any substance capable of causing intoxication. the fumes of nitrous oxide (laughing gas), amyl nitrite (poppers/snappers, butyl nitrate (rush, bold, locker room, bullet, climax) chlorohydrocarbons (aerosol sprays), blue, White-Out, paint, gasoline, toluene or any other solvent.

B. For the purposes of this Section, "any substance capable of causing intoxication" means any substance, and its fumes or vapors, that is capable of causing intoxication as a result of consumption, inhalation, or ingestion and that is not intended for such consumption, inhalation, or ingestion for the purpose of becoming or attempting to become intoxicated.

1. Such substances may include, but are not limited to: aerosols, propellants, gases, and solvents, regardless of their form, that contain chemicals such as acetate, acetone, chlorofluorocarbons, chloroform, ethanol, ether, fluorocarbons, freon, gasoline, hydrocarbons, hydrofluorocarbons, kerosene, nitrous oxide, toluene, and other similar chemicals used in products including, but not limited to: air fresheners, cement, cleaning solutions, correction fluid, glue, paint, paint thinners, and whipped cream cans.

C. For the purposes of this Section, "intoxication" means a state in which a person's normal capacity to act or reason is inhibited, or a dulling of the brain or nervous system.

D. Nothing in this Section shall be construed to: include or regulate any act or substance that is regulated by the Uniform Controlled Substances Act (Idaho Code § 37-2701 et seq.); prohibit the lawful consumption of alcoholic beverages not otherwise prohibited by law; prohibit the use of prescription medication used pursuant to the instructions of a licensed healthcare provider or, in the case of over-the-counter medication, the instructions of a manufacturer, provided the medication is not otherwise prohibited by law; or prohibit the use of consumer and household products used pursuant to the instructions and intended purpose of a manufacturer.

E. A violation of this section is a misdemeanor.

**SECTION 2.** If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions and sections of this Ordinance, which shall remain in full force and effect.

**SECTION 3.** All ordinances of the City of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 4.** That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

**SECTION 5.** Pursuant to an affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with and accordingly, this Ordinance is passed and adopted.

**SECTION 6.** This Ordinance shall be in full force from and after passage, approval, and publication.

**PASSED** by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this 9<sup>th</sup> day of September, 2019.

ATTEST:

  
Lisa M. Leiby, City Clerk



APPROVED:

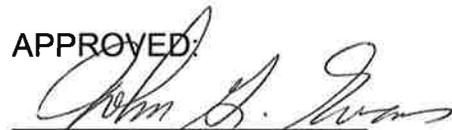
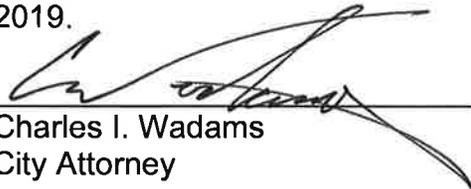
  
John G. Evans, Mayor

EXHIBIT A

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1012-19**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1012-19 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 9<sup>th</sup> day of September, 2019.



Charles I. Wadams  
City Attorney

**SUMMARY OF ORDINANCE NO. 1012-19  
OF THE CITY OF GARDEN CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Garden City, Idaho, adopted at its regular meeting of September 9, 2019, that Ordinance No. 1012-19 entitled:

**AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING GARDEN CITY CODE TITLE 4 (“PUBLIC HEALTH AND SAFETY”), CHAPTER 12 (GENERAL CRIMINAL OFFENSES DEFINED”), SECTION 11 (“INTOXICATION BY INHALATION OF TOXICANTS OR SOLVENTS”), BY AMENDING THE TITLE AND LANGUAGE TO PROHIBIT THE CONSUMPTION, INHALATION, AND INGESTION OF, AND POSSESSION WITH THE INTENT OF CONSUMING, INHALING, AND INGESTING, CERTAIN SUBSTANCES FOR THE PURPOSE OF BECOMING OR ATTEMPTING TO BECOME INTOXICATED; PROVIDING SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance amends Title 4, Chapter 12, Section 11 of the Garden City Code. The goal of the ordinance is to prohibit adults from consuming, inhaling, and ingesting certain substances for the purpose of becoming or attempting to become intoxicated. Possession of inhalants by minors is prohibited by the Idaho Code. The ordinance also prohibits adults from possessing these substances with the intent of consuming, inhaling, and ingesting them for the purpose of becoming or attempting to become intoxicated. The ultimate purpose is to prohibit consumption of readily available substances and their fumes, which when used improperly and intentionally against their intended purposes can cause intoxication.

Finally, the ordinance provides for severability, repeals conflicting Code provisions to the extent of a conflict, and provides an effective date.

The effective date of the ordinance is from and after passage, approval, and publication. A copy of the full text of the Ordinance is available at the City Clerk's office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the City Clerk's Office, from 8:00 a.m. until 5:00 p.m., pursuant to Idaho Code § 50-901A(4).

DATED this 9<sup>th</sup> day of September, 2019.

ATTEST:

  
\_\_\_\_\_  
Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:

  
\_\_\_\_\_  
John G. Evans, Mayor



## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
264046	0004375895	SUMMARY OF ORDINANCE NO. 1012-19 OF TH	legal notice	\$95.24	1	9.56 In

**Attention:** Lisa Leiby

GARDEN CITY CITY OF  
6015 GLENWOOD ST  
GARDEN CITY, ID 837141347

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OF THE CITY OF GARDEN  
CITY, IDAHO**

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Finally, the ordinance provides for severability, repeals conflicting Code provisions to the extent

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

1 Insertions

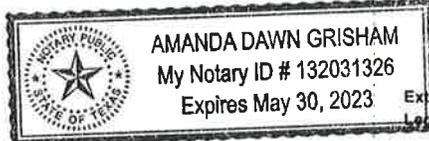
Beginning issue of: 09/13/2019

Ending issue of: 09/13/2019

  
\_\_\_\_\_  
(Legals Clerk)

On this 13th day of September in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

  
\_\_\_\_\_  
Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

of a conflict, and provides an effective date.

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DATED this 9th day of September, 2019.

CITY OF GARDEN CITY, IDAHO:

John G. Evans, Mayor

ATTEST:

Lisa M. Leiby, City Clerk

0004375895-01