

- B. It is not an offense under subsection A of this section if the person was acting at the direction of an authorized agent of the City of Ogden to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.
- C. If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.
- D. This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Utah law.
- E. Any person found to be in violation of this section will be guilty of a Class B misdemeanor and/or subject to a term of imprisonment not to exceed six months and a fine not to exceed \$1,000.00 and/or both. Each day during which a violation of subsection A occurs shall constitute a separate offense.
- F. The City of Ogden shall have the authority to seek an injunction to compel compliance of any business which fails to or refuses to comply with this Section.
- G. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 2. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City,
Utah this 14th day of September, 2010.

Carleen K. Gochman
CHAIR

ATTEST:

Sandi Mansell
CITY RECORDER

