

**CITY OF JEFFERSONTOWN, KENTUCKY  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1340, SERIES 2016**

**AN ORDINANCE RELATING TO THE REGULATION AND  
MANAGEMENT OF OPIOID TREATMENT PROGRAMS**

**WHEREAS** opioid addiction is a public health and safety issue in nearly all American cities, including Jeffersontown, Kentucky, and

**WHEREAS** there are various strategies in place to rehabilitate persons addicted to opioids, and,

**WHEREAS** such programs place unique demands upon the communities in which they are located, and

**WHEREAS** the City Council of Jeffersontown believes that regulations are necessary in order to balance needs for treatment and public health, welfare and safety concerns,

**NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**

Section 1. Definitions.

A. Opioid Treatment Program or OTP shall mean a program certified by the Substance Abuse and Mental Health Services Administration (“SAMHSA”) in conformance with 42 C.F.R. Part 8, to provide supervised assessment and medication-assisted treatment for patients who are opioid addicted.

B. Patients are people receiving or who are registered to receive medical treatment at the OTP.

Section 2. Regulation of OTPs

A. All OTPs shall be located within an area appropriately zoned for such use.

B. No OTP shall see patients or provide treatment except between the hours of 5:00 AM or later than 5:00PM.

C. No OTP shall dispense medication to more than one hundred twenty (120) patients per day.

D. A physician validly and currently licensed by the Commonwealth of Kentucky to dispense or otherwise prescribe medication needed for medication-assisted treatment shall be physically on the premises of the OTP during all business hours of the OTP.

E. All medication dispensed by the OTP must be consumed by the patient within the interior of the OTP facility or within the confines of the patient's home

F. The OTP shall maintain adequate security at all times, including maintaining a licensed security officer on the premises during all business hours.

G. The OTP shall be, at all times, fully certified by the Commission on Addiction Rehabilitation Facilities.

H. No OTP shall treat or provide medication to any person who is charged with or has been convicted of a Class A, B, or C felony or any crime, including a misdemeanor, which involves trafficking in a controlled substance.

I. Loitering on the premises of an OTP, including the parking areas thereof is prohibited, and an OTP shall take all reasonable steps to maintain peace and order in the proximity of the facility, including all parking areas, which steps shall include the prohibition of any amplification, radios, stereos or other sound devices in such a manner as the sound is audible off site.

J. No OTP shall be located within 1000 feet of any school, residential neighborhood, or any business that primarily caters to persons under the age of eighteen(18), and within a three mile radius of another OTP.

### Section 3. Penalties.

A. A Violation of this Ordinance shall be subject to the penalties of Section 95.99. In addition thereto, the Code Enforcement Board may suspend and/or revoke any license issued by the City of Jeffersontown, Kentucky, to the person charged for a violation of any provision of this Ordinance including, but not limited to, a license to do business or to traffic in alcoholic beverages. If, pursuant to a hearing, the Code Enforcement Board finds that there is an imminent and substantial threat to public safety, the Board may enter emergency orders temporarily suspending the license(s) issued by the City of Jeffersontown, Kentucky to the person so charged until a final adjudication of the matter.

Section 4. Effective Date. This Ordinance shall be effective upon passage.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, HELD ON THE 19<sup>th</sup> DAY OF April, 2016.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 3<sup>rd</sup> DAY OF May, 2016.

VETOED:

APPROVED:

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BILL DIERUF, MAYOR

  
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BILL DIERUF, MAYOR

ATTEST:

Bill Fx  
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BILL FOX, CITY CLERK