

TOWN OF GRANITE FALLS

STATE OF WASHINGTON

ORDINANCE NO. 380

AN ORDINANCE OF THE TOWN OF GRANITE FALLS PROHIBITING THE  
POSSESSION AND SALE OF DRUG PARAPHERNALIA.

WHEREAS, the increase in the aggressive merchandising of narcotics paraphernalia to minors by the multi-billion dollar paraphernalia industry has alarmed state legislatures, city councils, organizations like the PTA, citizen action groups, as well as law enforcement agencies; and

WHEREAS, the Drug Enforcement Administration, source of the Model Paraphernalia Control Law, has responded to the needs of states and municipalities for aid in drafting local control legislation but lacks the resources, the manpower, and the funds to act as agency to regulate interstate commerce in drug paraphernalia; and

WHEREAS, the DEA continues to interdict the smuggling of dangerous drugs into the United States, the sale of which is promoted and legitimized by the easy availability of drug paraphernalia designed to encourage their illegal use; and

WHEREAS, the ready availability of drug paraphernalia gives the appearance of condoning the sale and use of unlawful drugs in violation of the law; and

WHEREAS, the Town has a great interest in protecting its citizens and ensuring respect for the law; and

WHEREAS, the reasonable limitation and regulation of display and sale of drug-related paraphernalia balances the rights of commercial interests with the Town's responsibility to protect, preserve, and improve the quality of life of its citizens:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GRANITE FALLS DOES ORDAIN AS FOLLOWS:

SECTION 1: A new chapter is added to the Granite Falls Municipal Code Title 9 as follows:

CHAPTER 9.93

PROHIBITING THE POSSESSION AND SALE OF DRUG PARAPHERNALIA

- 9.93.010 Definitions
- 9.93.020 Possession of Drug Paraphernalia
- 9.93.030 Manufacture or Delivery of Drug Paraphernalia
- 9.93.040 Delivery of Drug Paraphernalia to a Minor
- 9.93.050 Advertisement of Drug Paraphernalia
- 9.93.060 Civil Forfeiture
- 9.93.070 Severability

9.93.010 Definitions.

The term 'Drug Paraphernalia' means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in plant-

ing, propagating, cultivating, growing, harvesting, manufacturing, compound-  
ing, converting, producing, processing, preparing, testing, analyzing, packaging,  
repackaging, storing, containing, concealing, injecting, ingesting, inhaling,  
or otherwise introducing into the human body unlawful drugs, including but  
not limited to controlled substances as defined by the Revised Code of  
Washington, Chapter 69.50. Such term includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating,  
cultivating, growing or harvesting of any species of plant which is a controlled  
substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing,  
compounding, converting, producing, processing, or preparing controlled substances;

3. Isomerization devices used, intended for use, or designed for use in  
increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use, or designed for use in  
identifying, or in analyzing the strength, effectiveness or purity of controlled  
substances;

5. Scales and balances used, intended for use, in weighing or measuring  
controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol,  
mannite, dextrose and lactose, used, intended for use, or designed for use in  
cutting controlled substances;

7. Separation gins and sifters used, intended for use, or designed for  
use in removing twigs and seeds from, or in otherwise cleaning or refining,  
marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended  
for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for  
use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use, or designed for  
use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for  
use, or designed for use in parenterally injecting controlled substances into  
the human body;

12. Objects used, intended for use, or designed for use in ingesting,  
inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish  
oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes  
with or without screens, permanent screens, hashish heads, or punctured  
metal bowls;

b. Water pipes;

- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons, and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bonges;
- m. Ice Pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this Act;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use.

9.93.020    POSSESSION OF DRUG PARAPHERNALIA.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Act. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 6 months, fined not more than \$500, or both.

9.93.030    MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Act. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 6 months, fined not more than \$500, or both.

9.93.040    DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.

Any person 18 years of age or over who violates Section 3 by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior is guilty of a special offense and upon conviction may be imprisoned for not more than 6 months, fined not more than \$500, or both.

9.93.050    ADVERTISEMENT OF DRUG PARAPHERNALIA.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 6 months, fined not more than \$500, or both.

9.93.060 CIVIL FORFEITURE.

1. The following are subject to seizure and forfeiture:

a. All drug paraphernalia.

2. Upon showing of probable cause that any property is subject to seizure or forfeiture, any court of competent jurisdiction may issue a warrant for the seizure thereof. Any peace officer having probable cause to believe that property is subject to seizure and forfeiture may seize the same provided proceedings for forfeiture shall be commenced within a reasonable time and in no case more than five (5) days after the initial seizure.

3. Property seized in accord with the section or subject to forfeiture shall be forfeited by civil proceedings commenced in the same manner as other civil actions of a like nature. Property abandoned or lost or for whom the owner cannot be determined shall be disposed of as is other lost property.

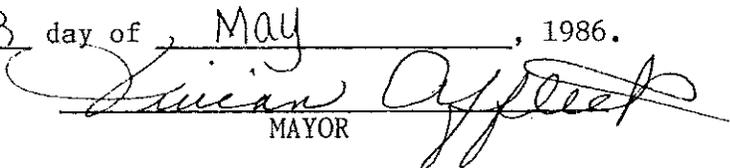
4. The property forfeited shall be the sole property of the Town of Granite Falls.

9.93.070 SEVERABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

This Ordinance shall be in full force and effect after its passage, posting and publication according to law.

Passed in open session this 28 day of May, 1986.

  
MAYOR

Attest:

Gerry James  
Town Clerk

CERTIFICATE

I, Gerry James, being first duly appointed, qualified and acting Clerk of the Town of Granite Falls, Washington, a municipal corporation, do hereby certify that the foregoing Ordinance No. 380, is a full true, and correct copy of the original ordinance passed on the 28 day of May, 1986, as said Ordinance appears in the Ordinance Book of the Town and said Ordinance became effective on the 8 day of June, 1986, and the same is published and duly posted on the 8 day of June, 1986, at the following three public places of said Town:

U.S. Post Office

Town Hall

Konnerups