

ORDINANCE NO. 308

AN ORDINANCE AMENDING ORDINANCE NUMBER 305  
PROHIBITING DEALING IN DRUG PARAPHERNALIA  
AND DECLARING AN EMERGENCY.

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Ordinance Number 305 is amended to read as follows:

Section 1: It shall be unlawful for any person to knowingly manufacture, deliver, or sell drug paraphernalia, or to possess drug paraphernalia with the intent to manufacture, deliver, or sell drug paraphernalia.

Section 2: For purposes of this ordinance:

- (a) "Deliver" means the actual, constructive or attempted transfer from one person to another of drug paraphernalia, whether or not there is an agency relationship;
- (b) "Manufacture" means the production, preparation, construction, or processing of paraphernalia, and includes any packaging or repackaging of the drug paraphernalia, or the labeling or relabeling of its container;
- (c) "Drug paraphernalia" means any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, or preparing any controlled substance as defined in ORS 475.015.


Section 3: "Drug paraphernalia" does not include objects designed and intended for use in ingesting, administering or preparing the drugs or substances listed in subsection 2(c) of this ordinance in a lawful manner as permitted by the laws of the State of Oregon. This exception is a defense to be raised by the defendant as provided in ORS 161.055.

Section 4: Any person, firm or corporation found guilty of a violation of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment in the City Jail for a period not to exceed more than six months or by both such fine and imprisonment.

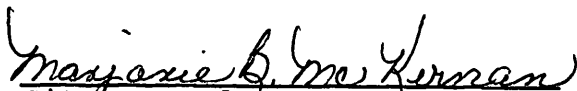
An emergency is hereby declared due to the fact that this ordinance is needed to protect the public safety and welfare. This ordinance shall become effective upon the adoption by the Council of the City of Brookings and its approval by the Mayor.

PASSED by the Council and approved by the Mayor this 16th day of January, 1979.

CITY OF BROOKINGS

  
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Mayor

ATTEST:

  
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City Recorder