

ORDINANCE NO. 305

AN ORDINANCE PROHIBITING DEALING IN DRUG PARAPHERNALIA.

THE CITY OF BROOKINGS ORDAINS 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. "Drug paraphernalia" includes, but is not limited to, the following items:
  - (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic marijuana or hashish pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - (2) Water pipes designed for use or intended for use with marijuana, hashish, or other narcotic drug

or dangerous drugs listed in subsection (2) (c)  
in this section;

- (3) Carburetion tubes and devices;
- (4) Smoking and carburetion masks;
- (5) Roach clips;
- (6) Separation gins designed for use or intended for use in cleaning marijuana;
- (7) Cocaine spoons and vials;
- (8) Chamber pipes or carburetor pipes or electric pipes or air driven pipes;
- (9) Chilams;
- (10) Bonges;
- (11) Ice pipes or chillers.

Section 3:

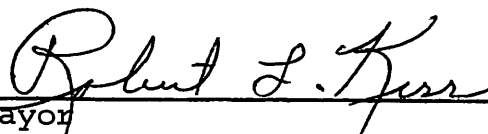
"Drug paraphernalia" does not include objects designed and intended for use in ingesting, administering or preparing the drugs or substances listed in subsection (2) (c) of this Ordinance in a lawful manner as permitted by the laws of the State of Oregon. This exception is a defense to be raised by the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

Section 4:

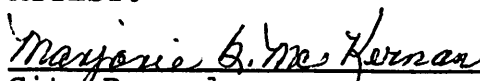
Any person, firm or corporation found guilty of a violation of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment in the City Jail for a period not to exceed more than six months or by both such fine and imprisonment.

PASSED by the Council and approved by the Mayor this 17th day of October, 1978.

CITY OF BROOKINGS

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

ORDINANCE NO. 305 (2)