

**ORDINANCE NO. 1419**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 9.32  
DRUG PARAPHERNALIA SECTION 9.32.040 OFFENSES AND PENALTIES  
AND SECTION 9.32.060 NUISANCE**

**WHEREAS**, the City of Canby currently has a Municipal Code, Chapter 9.32 based upon the Model Drug Paraphernalia Act authorized by the Drug Enforcement Administration of the United States Department of Justice; and

**WHEREAS**, the People of the State of Oregon recently voted to legalize (under Oregon State law) the use of recreational marijuana for people over the age of twenty-one years; and

**WHEREAS**, the Canby Municipal Code needed to reflect these recent changes in Oregon law as it relates to drug paraphernalia; now therefore.

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

1. Section 9.32.040 and 9.32.060 of the Canby Municipal Code are amended to read as follows:

**§ 9.32.040 Offenses and penalties.**

A. 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. Any person who violates this subsection is guilty of an infraction and upon conviction may be fined not more than \$500. *As of July 1, 2015, it is a valid defense to this section that a violator of this section is twenty-one years or older at the time of the offense, and that the paraphernalia was solely for uses involving marijuana.*

B. 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. Any person who violates this subsection is guilty of an infraction and upon conviction may be fined not more than \$500. *As of July 1, 2015, it is a valid defense to this section that a violator of this section is twenty-one years or older at the time of the offense, and that the paraphernalia was solely for uses involving marijuana by others also over the age of twenty-one years.*

C. Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates division B. of this section by delivering drug paraphernalia to a person under 18 years of age ~~who is at least 3 years his or her junior~~ is guilty of a misdemeanor offense and upon conviction may be imprisoned for not more than 1 year, fined not more than ~~\$2,500~~*6,250*, or both.


D. Advertisement of Drug Paraphernalia. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing 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 an infraction and upon conviction may be fined not more than \$500.

**§ 9.32.060 Nuisance.**

A. Drug paraphernalia are public nuisances. Any peace officer who has probable cause to believe these items enumerated above are being possessed in violation of this chapter shall summarily seize any paraphernalia and shall deliver it to the Chief of Police, who shall hold it subject to the order of the Municipal Court. **Officers operating under this section should consider the new, valid defenses above as of July 1, 2015.**

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 3, 2015; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 17, 2015, after the hour of 7:30 p.m. at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

  
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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17<sup>th</sup> day of June 2015, by the following vote:

YEAS 6 NAYS 0

  
\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

  
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Kimberly Scheafer, MMC  
City Recorder