

**A BILL FOR AN ORDINANCE REPLACING  
CHAPTER 5.20 OF THE LEBANON MUNICIPAL  
CODE CONCERNING LICENSING OF  
BUSINESSES THAT SELL DRUG  
PARAPHERNALIA**

) **Ordinance Bill No. 2011-10**  
)  
)  
) **Ordinance No. 2823**  
)

**WHEREAS**, the Lebanon City Council deems it necessary to regulate the sale of drug paraphernalia within the city limits; and

**WHEREAS**, while state law prohibits possession of certain forms of “drug paraphernalia,” and prohibits all sales of “drug paraphernalia,” many retailers continue to openly advertise, display and sell items that are commonly known to be “drug paraphernalia,” and claim that such items are intended to be used for tobacco, in areas that are frequented by minors; and

**WHEREAS**, the Lebanon City Council finds that it is in the best interests of the City of Lebanon to restrict the sale of drug paraphernalia to minors, to restrict the advertisement and display of drug paraphernalia to minors and to meet community expectations with respect to the sale of drug paraphernalia;

**NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:**

Section 1. Chapter 5.20 is hereby amended to read as follows:

**Chapter 5.20 DRUG PARAPHERNALIA SALES**

**5.20.010 License--Required.**

It is unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with a controlled substance, as defined by Chapter 475 of the Oregon Revised Statutes, without obtaining a license therefore. Such licenses shall be in addition to any or all other licenses held by applicant.

**5.20.020 License--Fee.**

Any person desiring to sell or give items designed or marketed for use with controlled substance shall pay a license fee in the amount set forth by resolution of the City Council.

**5.20.030 Sale to Minors Unlawful.**

It is unlawful to sell or give items as described in this chapter in any form to any male or female child under eighteen years of age.

**5.20.040 Prohibition of Sale in Proximity to Schools.**

It is unlawful to sell or offer to sell any drug paraphernalia as defined by ORS 475.525 within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.

**5.20.050 Display of Drug Paraphernalia Prohibited**

No person shall display for sale, offer to sell, sell or store, any drug paraphernalia, when such person knows or reasonably should know that the drug paraphernalia is for use as such, except within a separate room or enclosure from which persons under the age of eighteen (18) years are excluded and from the outside of which room or enclosure the display, storage, or sale of drug paraphernalia is not visible.

**5.20.060 Violation--Penalty.**

Any person violating any provision of this chapter shall be fined up to \$500.00 with each day that such violation continues shall be deemed a separate and distinct offense.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor on this 13<sup>th</sup> day of July, 2011.

CITY OF LEBANON, OREGON

Kenneth I. Toomb  
Kenneth I. Toomb, Mayor   
Bob Elliott, Council President

ATTEST:

Linda Kaser by J. Allen  
Linda Kaser, City Recorder