

ORDINANCE NO. 21

AN ORDINANCE PROHIBITING THE POSSESSION, USE, SELLING, DISPLAYING, FURNISHING, SUPPLYING OR GIVING AWAY TO PERSONS CERTAIN PARAPHERNALIA DESIGNED TO FACILITATE THE UNLAWFUL USE OR ADMINISTRATION OF CONTROLLED SUBSTANCES; PROVIDING PENALTIES; PROVIDING FOR SEVERANCE AND PROVIDING FOR AN EFFECTIVE DATE.

- 21.1 Title
- 21.2 Definitions
- 21.3 Sale or Display to Minors Prohibited
- 21.4 Penalties and Remedies
- 21.5 Construction
- 21.6 Severability
- 21.7 Effective Date

21.1 TITLE.

This ordinance shall be known and may be cited as the "paraphernalia ordinance" of Appanoose County, Iowa.

21.2 DEFINITIONS.

The following words and phrases when used in this ordinance shall have the meanings respectively described to them except where the context otherwise requires.

1. "Controlled substances" shall mean: any drug, substance or immediate precursor enumerated, defined or established pursuant to the provisions of Schedules I, II, III, IV and V of Division II of Chapter 124, Code of Iowa (1999), known as the Uniform Controlled Substance Act.

2. "Paraphernalia" shall mean:

a. The term 'Drug Paraphernalia' means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance listed in Schedules I, II, III, IV and V of Division II of Chapter 124, Code of Iowa (1999). It includes, but is not limited to:

- 1. Kits used or intended 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 or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- 3. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;
- 4. Testing equipment used or intended for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- 5. Scales and balances used or intended

5. Scales and balances used or intended for use in weighing or measuring controlled substances;
 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances;
 7. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
 8. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;
 9. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;
 10. Containers and other objects used or intended for use in storing or concealing controlled substances;
 11. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;
 12. Objects used or intended 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) Chamber pipes;
 - (f) Carburetor pipes;
 - (g) Electric pipes;
 - (h) Air-driven pipes;
 - (i) Chillums;
 - (j) Bongs;
 - (k) Ice pipes or chillers;
- b. 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 Chapter 124 of the Iowa Code;
 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 intends to use the object to facilitate a violation of

taxpayers
new construction
er to entice

at a tax
ent year in
ssessment
all subsequent
eriod, or

granted
n of shell
ve purposes,
or renovated
ve shell

assessment
or the
value.
or until this
ilding or any
shell
ion for

, an
427B.4, Code of

red in this
Code are

part of this
ication shall
provision

ive after

WS:

1991.

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 intends to use the object to facilitate a violation of Chapter 124 of the Iowa Code; the innocence of an owner, or of anyone in control of the object, as to a direct violation of Chapter 124 of the Iowa Code shall not prevent a finding that the object is used or intended 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, including its proximity to other objects commonly used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, texting, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 124, Code of Iowa (1999);
 11. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 12. The existence and scope of legitimate uses for the object in the community;
 13. Expert testimony concerning its use.
3. "Sale" shall mean: to lend, give away, deliver, distribute, exchange or transmit, with or without consideration.
 4. "Person" shall mean: any individual, corporation, business trust, estate trust, partnership or association.
 5. "Minor" shall mean: any person under the age of 18 years.

21.3 SALE, DISPLAY, POSSESSION OR USE PROHIBITED.

It is unlawful for any person to sell, offer for sale, display, furnish, supply or give away drug paraphernalia as defined in Section 21.2(2) herein to any person. 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 Chapter 124 of the Iowa Code (1999).

21.4 PENALTIES AND REMEDIES.

1. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment for a period not to exceed thirty (30) days.
2. In addition to or in the alternative to the provisions of section 21.4(1) above, Appanoose County or an interested person may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the

2. In addition to or in the alternative to the provisions of section 21.4(1) above, Appanoose County or an interested person may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this ordinance.

21.5 CONSTRUCTION.

This ordinance constitutes remedial legislation and is to be liberally construed to give effect to its purpose.

21.6 SEVERABILITY.

It is the legislative intent that should any provisions, section, clause or sentence be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, sections, clauses or sentences and to this end the provisions of this ordinance are severable.

21.7 EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED and APPROVED this 19 day of July, 1999.

Royce O. Joiner, Chairman

Royce Joiner, Chairman
Appanoose County Board of Supervisors

ATTEST:

Linda Dentry

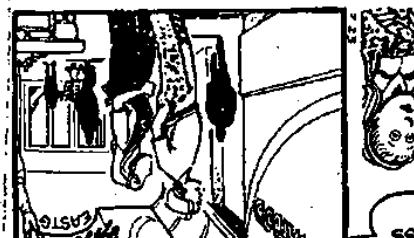
Linda Dentry, Appanoose County Auditor

Read first time and passed: 7-19-99

Read second time and passed: waived 7-19-99

Final reading and passage: waived 7-19-99

**STATE OF IOWA
Appanoose**



...the duty of the licensee permitting such person under twenty-one (21) years of age onto the licensed premises pursuant to such a plan, and of all persons employed with respect to said premises, to prevent a person under twenty-one (21) years of age from consuming or possessing alcoholic beverages on the premises. Law Enforcement Officers and their designees shall be admitted to the premises at any time to inspect for compliance with all applicable laws. Failure in that duty by the licensee shall be punishable as a violation of this section.

4. The person under twenty-one (21) years of age is on the premises as a participant in a special event in accordance with a plan approved in advance by the Appanoose County Sheriff. It shall be the duty of a licensee permitting such person under twenty-one (21) years of age onto the licensed premises, and of all persons employed with respect to said premises, to prevent a person under twenty-one (21) years of age from consuming or possessing alcoholic beverages on said premises.

5. The person under twenty-one (21) years of age is on the premises during specified posted hours that the licensee does its business primarily in food sales, in accordance with a plan approved in advance by the Appanoose County Sheriff. To receive plan approval, a licensee shall be required to demonstrate that there is a clearly definable pattern of hours during which more than fifty percent (50%) of the business sales are food. It shall be the strict duty of the licensee, and of all persons employed with respect to said premises, to remove all person under twenty-one (21) years of age from the premises before the start of restricted admission hours each day, and it shall be the duty of the licensee permitting person under twenty-one (21) years of age onto the premises, and of all persons employed with respect to said premises, to prevent person under twenty-one (21) years of age from consuming or possessing alcoholic beverages on said premises. Failure in these duties shall be punishable as a violation of this section.

20.3 PENALTIES.

Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable by a fine not exceeding two hundred dollars (\$200.00), or by imprisonment for a period not to exceed thirty (30) days.

20.4 CONSTRUCTION.

This ordinance constitutes remedial legislation and is to be liberally construed to give effect to its purpose.

20.5 SEVERABILITY.

It is the legislative intent that should any provisions, section, clause or sentence be held unconstitutional or invalid,

read first time and passed: 7-19-99
Read second time and passed: waived
7-19-99
Final reading and passage: waived
7-19-99

ORDINANCE NO. 21

AN ORDINANCE PROHIBITING THE POSSESSION, USE, SELLING, DISPLAYING, FURNISHING, SUPPLYING OR GIVING AWAY TO PERSONS CERTAIN PARAPHERNALIA DESIGNED TO FACILITATE THE UNLAWFUL USE OR ADMINISTRATION OF CONTROLLED SUBSTANCES; PROVIDING PENALTIES; PROVIDING FOR SEVERANCE AND PROVIDING FOR AN EFFECTIVE DATE.

21.1 Title

21.2 Definitions

21.3 Sale or Display to Minors Prohibited

21.4 Penalties and Remedies

21.5 Construction

21.6 Severability

21.7 Effective Date

21.1 TITLE.

This ordinance shall be known and may be cited as the "paraphernalia ordinance" of Appanoose County, Iowa.

21.2 DEFINITIONS.

The following words and phrases when used in this ordinance shall have the meanings respectively described to them except where the context otherwise requires.

1. "Controlled substances" shall mean: any drug, substance or immediate precursor enumerated, defined or established pursuant to the provisions of Schedules I, II, III, IV and V of Division II of Chapter 124, Code of Iowa (1999), known as the Uniform Controlled Substance Act.

2. "Paraphernalia" shall mean:

a. The term "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance listed in Schedules I, II, III, IV and V of Division II of Chapter 124, Code of Iowa (1999). It includes, but is not limited to:

1. Kits used or intended 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 or intended for use in manufacturing, compounding, convert-

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

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

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

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

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

12. Objects used or intended 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) Chamber pipes;

(f) Carburetor pipes;

(g) Electric pipes;

(h) Air-driven pipes;

(i) Chillum;

(j) Bong;

(k) Ice pipes or chillers;

b. 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 Chapter 124 of the Iowa Code;

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 intends to use the object to facilitate a violation of Chapter 124 of the Iowa Code; the innocence of an owner, or of anyone in control of the object, as to a direct violation of Chapter 124 of the Iowa Code shall not prevent finding that the object is used or intended for use as drug paraphernalia;

7. Instructions, oral or written, given

substance in violation of chapter 1 Code of Iowa (1999);

11. Direct or circumstantial evidence of the ratio of sales of the object (s) to total sales of the business enterprise;

12. The existence and scope of legitimate uses for the object in the community;

13. Expert testimony concerning use.

3. "Sale" shall mean: to lend, give away, deliver, distribute, exchange, transmit, with or without consideration

4. "Person" shall mean: any individual, corporation, business trust, estate, partnership or association.

5. "Minor" shall mean: any person under the age of 18 years.

21.3 SALE, DISPLAY, POSSESSION OR USE PROHIBITED.

It is unlawful for any person to offer for sale, display, furnish, supply, give away drug paraphernalia as defined in Section 21.2 (2) herein to any person. It is unlawful for any person to use, on possession with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, controlled substance in violation of Chapter 124 of the Iowa Code (1999).

21.4 PENALTIES AND REMEDIES.

1. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment for a period not to exceed thirty (30) days.

2. In addition to or in the alternative, the provisions of section 21.4 (1) above, Appanoose County or an interested person may institute civil proceedings to obtain injunctive and declaratory relief, such other orders of the court as are reasonable and proper to abate practice, conditions or circumstances found to be contrary to or prohibited by the provisions of this ordinance.

21.5 CONSTRUCTION.

This ordinance constitutes remedial legislation and is to be liberally construed to give effect to its purpose.

21.6 SEVERABILITY.

It is the legislative intent that should any provisions, section, clause or sentence be held unconstitutional or invalid such holding shall not be construed as affecting the validity of any of the remaining provisions, sections, clauses or sentences and to this end the provisions of this ordinance are severable.

21.7 EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED and APPROVED this 19 day