

CARROLL COUNTY, IOWA
ORDINANCE NO. 15

AN ORDINANCE of the County of Carroll, Iowa, making it illegal to possess, deliver, possess with the intent to deliver or manufacture drug paraphernalia as defined in the ordinance.

- Section 1. The Ordinances of the County of Carroll, Iowa, are amended by adding this ordinance entitled Drug Paraphernalia Prohibited acts, which is hereby adopted to read as follows:
- Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- Section 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- Section 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

FIRST READING: NOVEMBER 27, 2000

PASSED AND APPROVED OR WAIVED

ROLL CALL VOTE: Arden Hinners, Chairman, aye; Neil Bock, aye; Floyd Klocke, aye; Diane Schreck, aye; Neil Trobak, aye.

s/Arden Hinners, Chairman Attest: Paul S. Fricke,
Carroll County Auditor

SECOND READING: DECEMBER 4, 2000

PASSED AND APPROVED OR WAIVED

ROLL CALL VOTE: Arden Hinners, Chairman, aye; Neil Bock, aye; Floyd Klocke, aye; Diane Schreck, aye; Neil Trobak, aye.

s/Arden Hinners, Chairman Attest: Paul S. Fricke,
Carroll County Auditor

THIRD READING: DECEMBER 11, 2000

PASSED AND APPROVED OR WAIVED

ROLL CALL VOTE: Arden Hinners, Chairman, aye; Neil Bock, aye; Floyd Klocke, aye; Diane Schreck, aye; Neil Trobak, aye.

s/Arden Hinners, Chairman Attest: Paul S. Fricke,
Carroll County Auditor

Published in a legal newspaper, Carroll Daily Times Herald, Carroll Today, Coon Rapids Enterprise.

Attest: Paul S. Fricke

Carroll County Auditor

DRUG PARAPHERNALIA PROHIBITED ACTS

1. **PURPOSE** The purpose of this ordinance is to prohibit the use, possession, manufacture and delivery of drug paraphernalia as defined herein.
2. **CONTROLLED SUBSTANCE DEFINITION** The term "controlled substance" as used in this ordinance is defined as the term "controlled substance" is defined in Iowa Code Ch.124, as it now exists or is hereafter amended.
3. **DRUG PARAPHERNALIA DEFINITION** The term "drug paraphernalia" as used in this ordinance means all equipment, products and materials of any kind which are intended for use, or designed for use, implanting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, weighing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance in violation of the Iowa Code Ch. 124. It includes, but is not limited to:
 - .01** Growing Kits. Kits used, intended for use, or designed 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.
 - .02** Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

- .03** Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant, which is a controlled substance.
- .04** Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- .05** Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- .06** Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
- .07** Separators-Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- .08** Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- .09** Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging controlled substances.
- .10** Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- .11** Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in injecting controlled substances into the human body.
- .12** Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body such as:
 - A.** Metal, wooded, 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.** Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand.
 - F.** Miniature cocaine spoons and cocaine vials;
 - G.** Chamber pipes;
 - H.** Carburetor pipes;
 - I.** Electric pipes;
 - J.** Air driven pipes;
 - K.** Chillums;
 - L.** Bongs;
 - M.** Ice pipes or chillers

4. DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

- .01** Statements. Statements by an owner or by anyone in possession or control of the object concerning its use.
- .02** Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control or possession of the object under any State or Federal law relating to any controlled substance.
- .03** Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.
- .04** Proximity to Substances. The proximity of the object to controlled substances.
- .05** Residue. The existence of any residue of controlled substances on the object.
- .06** Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in possession or control of the object, to use the object to facilitate a violation of the Iowa Code Ch. 124; to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of the Iowa Code Ch. 124.

- .07** Instruction. Instructions, oral or written, provided with the object concerning its use.
- .08** Descriptive Materials. Descriptive materials accompanying the object, which explain or depict its use.
- .09** Advertising. National and local advertising concerning its use.
- .10** Displayed. The manner in which the object is possessed or 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, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body.
- .11** Licensed Distributor or Dealer. Whether the owner, or anyone in possession or control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- .12** Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- .13** Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
- .14** Expert Testimony. Expert testimony concerning its use.
- 5. PROHIBITED ACTS.** It is unlawful for any person to possess, deliver, possess with intent to deliver or manufacture drug paraphernalia.
- 6. PENALTY.** Any person violating any provision of this ordinance shall be guilty of a simple misdemeanor and upon conviction thereof be subject to a scheduled fine of two hundred dollars (\$200.00).