

TITLE 14 - DRUG PARAPHERNALIA

CHAPTER 1- RETAIL SALE OF DRUG PARAPHERNALIA.

Section 14-101 Drug Paraphernalia generally

The Town of Danville, in order to reduce hazardous drug use; to protect the citizens of Danville from those who use illegal drugs; and to preserve the peace, good order, comfort, convenience and welfare of the inhabitants of the town, adopt the following sale of drug paraphernalia restrictions.

Section 14-102 Definitions

(a) "Drug paraphernalia" defined. - The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

- (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (ii) Water pipes;
- (iii) Carburetion tubes and devices;
- (iv) Smoking and carburetion masks;
- (v) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (vi) Chamber pipes;
- (vii) Carburetor pipes;
- (viii) Electric pipes;
- (ix) Air-driven pipes;
- (x) Chillums;
- (xi) Bongs;
- (xii) Ice pipes or chillers; and
- (xiii) Miniature cocaine spoons, and cocaine vials.

(b) The following items, if marketed for use or designed for use with controlled substances, are also considered "drug paraphernalia" for the purpose stated in section 103

of this chapter:

- (1) Kits marketed 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;
- (2) Kits marketed for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices marketed for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment marketed for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters marketed for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers marketed for use, or designed for use in packaging small quantities of controlled substances;
- (10) Hypodermic syringes, needles and other objects marketed for use, or designed for use in parenterally injecting controlled substances into the human body;
- (11) Paper of colorful design, with names oriented for use with controlled dangerous substances and displayed: Provided, That white paper or tobacco oriented paper not necessarily designed for use with controlled substances is not covered;
- (12) Pipes displayed in the proximity of roach clips, or literature encouraging illegal use of controlled substances, are covered by this article: Provided, That pipes otherwise displayed are not covered by this article;

(c) In determining whether an object is marketed for use or designed for use as drug paraphernalia, the Court or other authority should consider the following:

- (1) The proximity of the object, in time and space, to a controlled substance;
- (2) The existence of any residue of controlled substances on the object;
- (3) Instructions, oral or written, provided with the object concerning its use;
- (4) Descriptive materials accompanying the object which explain or depict its use;

- (5) National and local advertising concerning its use;
- (6) The manner in which the object is displayed for sale;
- (7) Whether the owner, or anyone in 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;
- (8) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
- (9) The existence and scope of legitimate uses for the object in the community.

Section 14-103 Retail Sale and Advertisement of Drug Paraphernalia expressly prohibited

(a) It is unlawful for a person to knowingly and willfully sell or offer for sale at retail any drug paraphernalia at an illegal drug paraphernalia business.

(b) Advertisement prohibited - It is unlawful for any person to place in any newspaper, magazine, handbill, sign, poster or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote an illegal drug paraphernalia business, which allows the sale of objects designed or intended for use as drug paraphernalia.

Section 14-104 Penalties

(a) Any person who is in violation of this ordinance shall be guilty of a misdemeanor and shall be punished by fine not exceeding \$500 dollars in the discretion of the Court or other authority, and each day that such violation shall continue shall be deemed a separate and distinct offense.

Section 14-105 Revocation of licence

Violation of this ordinance shall constitute grounds for suspension and revocation of the violator's license to do business in the Town under procedures set out in Section 8-110 of the Codified Ordinances of the Town of Danville.

Section 14-106 Injunctive Relief

The Circuit Court of Boone County shall have jurisdiction to issue an injunction to enforce the purposes of this ordinance upon petition by the attorney for the municipality or a representative thereof or any citizen of the municipality who can show a good faith and valid reason for making such application. No bond shall be required unless for good cause shown.

Section 14-107 Savings Clause

If any section, subsection, sentence, clause, phrase or any portion of this subsection is for

any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this subsection. The City Council of the City of Danville hereby declares that it would have adopted this subsection and each section, subsection, sentence, clause phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

First Reading Aug 6, 2013
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