WOODBURY COUNTY, IOWA
ORDINANCE NO. 10

TITLE: This ordinance shall be known and cited as the "County Ordinance Prohibiting the Possession of Drug Paraphernalia" of Woodbury County, Iowa.

WHEREAS, the Woodbury County Board of Supervisors finds that drug paraphernalia poses a threat to the peace and well being of the citizens of Woodbury County through its relation to and involvement with the production and use of drugs;

WHEREAS, the Woodbury County Board of Supervisors finds that Iowa law currently fails to properly address some of the concerns central to the prevention of drug use;

WHEREAS, the Woodbury County Board of Supervisors finds that this Ordinance will aid in the protection of the peace and safety of the citizens of Woodbury County;

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

Drug Paraphernalia

A. The purpose of this ordinance is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined herein.

B. The term "controlled substance" as used in this ordinance is defined as the term "controlled substance" is defined in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, as it now exists or is hereafter amended.

C. The term "drug paraphernalia" as used in this ordinance 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, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:

1. 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.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

3. 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.
4. 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.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Dilutents. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, methyl sulfonyl methane (MSM), used, intended for use, or designed for use in cutting controlled substances.
7. 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 a controlled substance.
8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of 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 parenterally 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, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
    b. Water pipes;
    c. Smoking and carburetion masks;
    d. 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;
    e. Miniature cocaine spoons and cocaine vials.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.

2. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
3. Proximity to Substances. The proximity of the object to controlled substances.
4. Residue. The existence of any residue of controlled substances on the object.
5. Evidence of Intent. 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, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
6. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is used, intended for use, or designed for use as drug paraphernalia.
7. Instructions. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
9. Advertising. National and local advertising concerning its use.
10. Displayed. The manner in which the object is displayed for sale.
11. Licensed Distributor or Dealer. 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.
12. Prior Convictions. Prior convictions, if any, of any owner or of anyone in control of the object under any State or Federal law relating to any controlled substances.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

E. 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 the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

F. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use 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 the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

G. Any person or corporation violating any provision, section or paragraph of this ordinance shall be punished by a fine of up to $200.00 or up to 30 days imprisonment.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 16th day of May, 2000.

First Hearing: May 2, 2000

Second Hearing: May 9, 2000

Third Hearing: May 16, 2000

Chairman, Woodbury County Board of Supervisors

Woodbury County Supervisor

Woodbury County Supervisor

Woodbury County Supervisor

Woodbury County Supervisor

ATTEST:

Patrick Gill, Woodbury County Auditor