

ORDINANCE NO. C-56-80

AN ORDINANCE TO ENACT SECTIONS 513.14 AND 513.15 TO THE CODIFIED ORDINANCES OF THE CITY OF GROVE CITY PROHIBITING THE SALE OF DRUG RELATED PARAPHERNALIA OR POSSESSION OF DRUG RELATED PARAPHERNALIA

WHEREAS, this Council is aware of and is concerned over the general proliferation of retail establishments engaged in the sale of paraphernalia associated with drug use; and

WHEREAS, this Council finds that such establishments serve to entice young people to abuse unlawful substances which are known to be harmful and unsafe for human consumption; and

WHEREAS, this Council finds that this situation has created a problem of such a large proportion as to necessitate further legislation on the subject; and

WHEREAS, this Council has examined and approves of the Model Drug Paraphernalia Act as developed by the Drug Enforcement Administration, United States Department of Justice;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT

SECTION 1. There is hereby enacted Section 513.14 of the Code of Ordinances of the City of Grove City which shall read as follows:

"513.14 Definitions of Drug Paraphernalia

(a) "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, analysing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of, or otherwise introducing into the human body a controlled substance, as defined in Chapter 3719 of the Ohio Revised Code. It includes, but not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, 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, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) 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 used, intended 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, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;
- (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 used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (A) Metal, wooden, acrylic, glass, stone, plastic, ceramic pipes with or without a screen, 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 material, such as a marihuana 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;
 - (N) Rolling paper and rolling machines.

(2) 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 any person in control, of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of any person in control, of the object, under any City, State, or Federal law, statute or ordinance, relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of this Chapter;
- (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 any person in control, of the object to deliver it to persons whom he knows intend to use the object to facilitate a violation of this Chapter; the innocence of an owner, or of any person in control, of the object, as to a direct violation of this Chapter shall not prevent a finding that the object is intended for use, or designed for use as "Drug paraphernalia";
- (7) Instructions, written or oral, 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;
- (11) The existence and scope of legitimate uses for the object in the community;
- (12) Expert testimony concerning its use."

SECTION 2. There is hereby enacted Section 513.15 of the Codified Ordinances of the City of Grove City which shall read as follows:

"513.15 POSSESSION AND SALE OF DRUG PARAPHERNALIA.

(a) 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 this Chapter.

(b) It is unlawful for any person to deliver, sell, or possess with intent to deliver or sell, drug paraphernalia, knowing that it will be used 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 this Chapter.

(c) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of an object designed or intended for use as drug paraphernalia.

(d) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with the Ohio Revised Code Chapters 3719, 4715, 4729, 4731 and 4741..

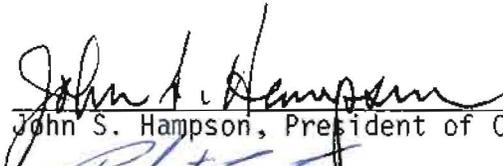
(e) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Municipality.

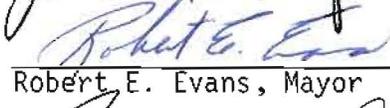
(f) If any provision of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

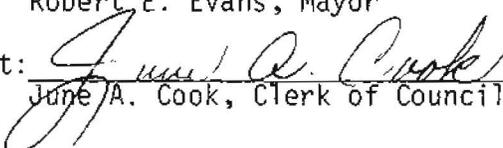
(g) Whoever violates any of the provisions of paragraphs (a), (b),(c) is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of any violation of paragraphs (a), (b), (c), any subsequent violation of either paragraph (a), (b), (c) is a misdemeanor of the first degree. Any person who violates paragraph (b) by delivering or selling drug paraphernalia to any person under 18 years of age is guilty of a misdemeanor of the first degree."

SECTION 3. This ordinance shall take effect at the earliest opportunity allowed by law.

Submitted: 9/15/80
Passed: 10/6/80
Effective: 11/5/80


John S. Hampson, President of Council


Robert E. Evans, Mayor

Attest: 
June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.


R. E. Gunderman, Director of Law