

ORDINANCE NO. 85 OF 1980

Borough of Sugarcreek
Venango County, Pennsylvania

AN ORDINANCE PROHIBITING THE SALE AND ADVERTISING FOR SALE BY ANY PERSON, NOT A LICENSED PHARMACY, OR PARAPHERNALIA ASSEMBLED FOR SALE IN ORDER TO BE USED, IN ANY WAY, WITH THE INTRODUCTION INTO THE HUMAN BODY OF A CONTROLLED SUBSTANCE AS THAT TERM IS DEFINED BY THE "CONTROLLED SUBSTANCE, DRUG DEVICE AND COSMETIC ACT" OF THE PENNSYLVANIA LEGISLATURE.

BE IT ENACTED AND ORDAINED and it hereby is enacted and ordained, under the authority of the Borough Code, Act of February 1, 1965, P.L. No. 1656, Act No. 581, as amended, by the Council of the Borough of Sugarcreek, County of Venango, Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This ordinance shall be known as the Borough of Sugarcreek Controlled Substance Paraphernalia Prohibition Ordinance.

SECTION 2. PREFACE

The people and citizens of the Borough of Sugarcreek, and their duly elected government body, are aware that business establishments exist in our nation that market, advertise for sale and sell paraphernalia that are utilized by persons for the introduction into their bodies of prohibited, controlled substances and that these business establishments are not controlled, regulated or prohibited effectively. The Council of the Borough of Sugarcreek believes that this industry panders to our citizens, particularly out youth, and through the sale of this paraphernalia physically encourages persons to engage in the illegal use of controlled substances. The Council believes that such use of controlled substances is harmful to the user thereof and poses a clear, present and significant danger to the health and welfare of those users and to the welfare of the general community. Therefore, in response to these dangers, this Ordinance is passed to promote the health, safety and public welfare of the citizens and inhabitants of the Borough of Sugarcreek.

SECTION 3. AUTHORITY

This Ordinance, and the objectives leading to its enactment, are authorized by the following provisions of the Borough Code, to wit:

- (a) Article X, Section 1006 (3)
- (b) Article XXXIII

SECTION 4. DEFINITIONS

A. 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, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substance, Drug Device and Cosmetic Act. It includes but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, growing, cultivating, or harvesting or 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 or any compound 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 or controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and/or 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

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use in removing extraneous materials, such as twigs and seeds, or in otherwise cleaning and 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 used, intended for use, or designed for use in compounding 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 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) Roach clips (meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or short to be held in the hand;
 - (f) Miniature cocaine spoons and cocaine vials;
 - (g) Chamber pipes;
 - (h) Carburetion pipes;
 - (i) Electric pipes;
 - (j) Chillums;
 - (k) Bongs;
 - (l) Ice pipes or chillers.

SECTION 5. CONDUCT PROHIBITED

A. It is a violation of this Ordinance for any person to deliver, by sale or gift, or manufacture with the intent to deliver, by sale or gift, drug paraphernalia, knowing, or under circumstances where one reasonably should know 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 Pennsylvania Legislature.

B. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

SECTION 6. VIOLATIONS AND PENALTIES

Any person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$100. nor more than \$300., together with costs of prosecution, in each case. Each day that a violation shall continue shall be deemed to be a separate offense and shall be punishable as such. Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon refusal of any person convicted of a violation of this Ordinance to pay such fine and costs, such person shall be imprisoned in the jail of Venango County for a period not exceeding ninety (90) days.

SECTION 7. SEVERABILITY

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

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SECTION 8. All ordinances or parts of ordinances inconsistent hereby are repealed.

ADOPTED this fifth day of November, 1980.