

Drug Paraphernalia

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9 OF THE SPARKS MUNICIPAL CODE TO DEFINE DRUG PARAPHERNALIA; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 9.21.010: "Unlawful use or possession of drug paraphernalia"...is hereby amended as follows:

Section 9.21.010 Unlawful use or possession of drug paraphernalia.

- A. Any person who uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, , ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Chapter 453 of Nevada Revised Statutes is guilty of a misdemeanor.
- B. "Drug paraphernalia" defined.
 - 1. Except as otherwise provided in subsection 2 "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, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Chapter 453 of the Nevada Revised Statutes. The term includes, but is not limited to:
 - a. 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;
 - b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;
 - c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 - e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
 - g. 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;
 - h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 - i. Capsules, balloons, envelopes and other containers used, intended for use, or

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- designed for use in packaging small quantities of controlled substances;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and
 - k. 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:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - 2. Water pipes;
 - 3. Smoking masks;
 - 4. Roach clips, which are 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;
 - 5. Cocaine spoons and cocaine vials;
 - 6. Carburetor pipes and carburetion tubes and devices;
 - 7. Chamber pipes;
 - 8. Electric pipes;
 - 9. Air-driven pipes;
 - 10. Chillums;
 - 11. Bongs; and
12. Ice pipes or chillers.C. The term does not include any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection. (Ord. 1434 § 1, 1984.) (2005, Amended, 09/14/1998; 1938, Amended, 08/11/1997)

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 4: This ordinance shall become effective upon passage, approval and publication.

SECTION 5: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 6: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following

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vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this _____ day of _____, 20__, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney