

Chapter 106

DRUG PARAPHERNALIA

§ 106-1. Short title.

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§ 106-2. Definitions.

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 8-8-1980 by Ord. No. 80-13. Amendments noted where applicable.]

§ 106-1. Short title.

This chapter shall be known and may be cited as the "Controlled Substance Paraphernalia Prohibition Ordinance of North Middleton Township."

§ 106-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DRUG PARAPHERNALIA — 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, injecting, ingesting, inhaling, or otherwise introducing into the body a controlled substance in violation of the Controlled Substance, Drug, Device and Cosmetic Act of April 14, 1972, P.S. 233, No. 64 (35 P.S. § 780-101 et seq.). The term "drug paraphernalia" includes, but is not limited to, the following:

- 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, processing, 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, marihuana.

- 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 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;
- K. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the body;
- L. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, 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) Carburetion tubes and devices;
 - (4) Smoking and carburetion masks;
 - (5) 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;
 - (6) Miniature cocaine spoons, and cocaine vials;
 - (7) Chamber pipes;
 - (8) Carburetor pipes;
 - (9) Electric pipes;
 - (10) Air-driven pipes;
 - (11) Chillums;
 - (12) Bongs; and
 - (13) Ice pipes or chillers.

§ 106-3. Prohibited conduct.

- A. It is a violation of this chapter for any person, other than a licensed pharmacist, physician, dentist, hospital personnel or medical personnel, all of whom are operating within the normal course of their profession, to offer for sale, to deliver by sale or gift, or to manufacture with intent to deliver by sale or gift, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that said drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, convert, produce,

process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the body a controlled substance in violation of this chapter.

- B. It is a violation of this chapter for any person, other than a licensed pharmacist, physician, dentist, hospital personnel or medical personnel, all of whom are operating within the normal course of their profession, to place in any newspaper, magazine, handbill, or other publication of general circulation in North Middleton Township 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.

§ 106-4. Violations and penalties. [Amended 1-17-2002 by Ord. No. 2002-1]

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a summary enforcement proceeding commenced under the Pennsylvania Rules of Criminal Procedure by the Township before a District Justice, pay a fine of not less than \$200 nor more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Criminal Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.