

I C M S	FILE NO. <u>886</u>	FILED FOR RECORD THE <u>15</u> DAY OF	STATE OF IOWA, WINNEBAGO COUNTY:
	RECORDING FEE \$ <u>No Fee</u>	<u>October</u> , 19 <u>98</u> AT <u>9:05 A.M.</u>	<u>Jo Ann Barthelsson</u> Recorder
	TRANSFER FEE \$ _____	IN <u>Misc.</u> BOOK <u>25</u> PAGE <u>224</u>	By <u>Danna Nelson</u> Deputy Clerk

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 ORDINANCE NO. 13 BOOK 25 PAGE 224

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TITLE: An ordinance to regulate and criminalize certain activity detrimental to the public peace encompassing the areas of possession, manufacture, delivery, and advertisement of drug paraphernalia. Violations to be classified as simple misdemeanors.

DRUG PARAPHERNALIA:

- .1 **POSSESSION OF DRUG PARAPHERNALIA:** 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 Article.

- .2 **MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA:** It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, 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 Article.

- .3 **DELIVERY OF DRUG PARAPHERNALIA TO A MINOR:** Any person eighteen (18) years of age or over who delivers drug paraphernalia to a person under eighteen (18) years of age, who is at least three (3) years his junior, is guilty of a special offense and, upon conviction, may be imprisoned for not more than thirty (30) days, fined not more than one hundred dollars (\$100.00), or both.

- .4 **ADVERTISEMENT OF DRUG PARAPHERNALIA:** It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonable 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.

PENALTIES: Any person, firm, or corporation violating any provision, section, or paragraph of this Article shall be guilty of a simple misdemeanor punishable by a maximum of a \$100.00 fine or 30 days in jail.

Winnebago County Ordinance No. 13 was approved by unanimous vote on October 6, 1998 and approved and adopted by unanimous vote on October 13, 1998 by the Winnebago County Board of Supervisors.

Attest: Robert D. Paulson
Robert D. Paulson, Auditor

Scott N. Helgeson
Scott N. Helgeson, Chairman
Board of Supervisors
Winnebago County, Iowa

