

**ORDINANCE NO. 688**

**AN ORDINANCE AMENDING CHAPTER 130 OF  
THE WILLAMINA MUNICIPAL CODE**

**WHEREAS**, Willamina Municipal Code Chapter 130 relates to General Offenses; and

**WHEREAS**, Sections §130.49 and §130.50 of Chapter 130 of the Willamina Municipal Code have been left open for additions to the Willamina Municipal Code; and

**WHEREAS**, the contract deputies assigned to the City of Willamina have noted a significant increase in violations relating to drug paraphernalia.

**NOW, THEREFORE, THE CITY OF WILLAMINA ORDAINS AS FOLLOWS:**

**Section 1: Additions**

§ 130.49 Adoption of State Drug Laws; Penalty

- (A) The following sections of the Uniform Controlled Substances Act are adopted by reference and made a part of this chapter: Oregon Revised Statutes 475.752(3), 475.824(2)(a), 475.834(2)(a), 475.854(2)(a), 475.874(2)(a), 475.884(2)(a), and 475.894(2)(a).
- (B) The penalty for a Class E Violation is a \$100 maximum fine, or, in lieu of the fine, a completed health assessment as specified in state law.

§ 130.50 Drug Paraphernalia

- (A) For the purposes of this section, the following definitions shall apply:
  - a. "Drug Paraphernalia" means all equipment, products and materials of any kind that are marketed 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 human body a Controlled Substance. Solely for purposes of this section, Drug Paraphernalia includes, but is not limited to:
    - i. Kits marketed for use or designed for use in unlawfully planting, propagating, cultivating, growing or harvesting of any species of plant that is a Controlled Substance or from which a Controlled Substance can be derived;
    - ii. Kits marketed for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing Controlled Substances;
    - iii. Isomerization devices marketed for use or designed for use in increasing the potency of any species of plant that is a Controlled Substance;
    - iv. Testing equipment marketed for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of Controlled Substances;
    - v. Scales and balances marketed for use or designed for use in weighing or measuring Controlled Substances;

- vi. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use or designed for use in cutting Controlled Substances;
- vii. Lighting equipment specifically designed for growing Controlled Substances;
- viii. Containers and other objects marketed for use or designed for use in storing or concealing Controlled Substances; and
- ix. Objects marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing a Controlled Substance into the human body, such as:
  - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens;
  - 2. Water pipes;
  - 3. Carburetion tubes and devices;
  - 4. Smoking and carburetion masks;
  - 5. Roach clips, meaning objects used to hold burning material 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.
- b. "Drug Paraphernalia" does not include hypodermic syringes or needles.
- c. "Controlled Substances" are substances identified as such in ORS 475.005 excluding marijuana, marijuana concentrates or marijuana-infused products.

(B) Possession of Drug Paraphernalia. It is unlawful for any person to use or to possess with intent to use drug paraphernalia to unlawfully 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. It is a valid defense to this section that a violator of this section is 21 years or older at the time of the offense, and that the paraphernalia was solely for uses involving marijuana. Penalty, see § 130.99.

(C) Manufacture or Delivery of Drug Paraphernalia. It is unlawful for any person to sell or deliver, possess with intent to sell or deliver or manufacture with intent to sell or deliver drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to unlawfully 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. It is a valid defense to this section that a violator of this section is 21 years or older at the time of the offense, and that the paraphernalia was solely for uses involving marijuana by others also over the age of 21 years. Any person who violates this subsection is guilty of an infraction and upon conviction may be fined not more than \$2,000.

## **Section 2: Severability:**

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, or clauses.

**Section 3: Codification:**

Provisions of this Ordinance shall be incorporated into the City Code and the word "Ordinance" may be changed to "code", "article", "section", "chapter", or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any "Whereas" clauses and boilerplate provisions (i.e. Section 2) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

**Section 4: Effective Date:**

This ordinance shall become effective thirty (30) days after adoption

The foregoing Ordinance No. 688 was first read into the record in full and then by title and passed by a unanimous vote of all council members in attendance in accordance with Chapter VIII, Section 30-31 of the City Charter on the 14<sup>th</sup> day of September, 2021.

**PASSED** and **ADOPTED** this 14<sup>th</sup> day of September, 2021, by the following votes:

Councilor Baller: aye  
Councilor Johnson: aye  
Councilor McKnight: aye  
Councilor Skyberg: aye  
Councilor Wilson: aye  
Councilor Wooden: aye



Robert Burr  
Robert Burr, Mayor

**ATTEST:**  
Bridget Meneley  
Bridget Meneley, Deputy City Recorder