

RENO GAZETTE-JOURNAL

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WASHOE COUNTY
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PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:
That as legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:

Ord 930

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

May 15, 22, 1995

Signed

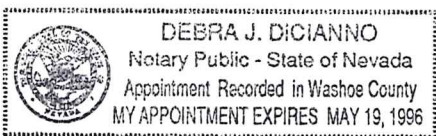
Tana Ciccotti

Subscribed and sworn to before me on 05/22/95

Notary Public

Debra J. DiCianno

NOTICE OF COUNTY ORDINANCE NO. 930
NOTICE IS HEREBY GIVEN that Ordinance No 930, Bill No. 1105, entitled,
AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO THE MISDEMEANOR CRIME OF USING OR POSSESSING WITH PRIMARY INTENT TO USE DRUG PARAPHERNALIA; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO
was adopted on MAY 9, 1995, by Commissioners Joanne Bond, Steve Bradhurst, Mike Moullet, Grant Sims, and Jim Shaw and will become effective on MAY 23, 1995.
Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada.
Judi Bailey, County Clerk
No. 2001 May 15,22, 1995



P.O. BOX 22000. RENO. NEVADA 89520
(702) 788-6200



930

SUMMARY: Amends the Washoe County Code by adding the misdemeanor offense of using or possessing drug paraphernalia.

BILL NO. 1105

ORDINANCE NO. 930

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO THE MISDEMEANOR CRIME OF USING OR POSSESSING WITH PRIMARY INTENT TO USE DRUG PARAPHERNALIA; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 53 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

53.195 Use and possession of drug paraphernalia; penalties; definitions.

1. Any person who uses, or possesses with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance is guilty of a misdemeanor.

2. "Controlled substance" means any Schedule I, II, III, IV or V substance as enumerated through regulation by the state board of pharmacy,

3. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. The term includes, but is not limited to:

(a) Kits used, primarily intended 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, primarily intended or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances.

(c) Isomerization devices used, primarily intended or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, primarily intended or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, primarily intended or designed for use is weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, primarily intended or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, primarily intended or designed for use in removing twigs and seeks from, or in otherwise cleaning or refining marihuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, primarily intended or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, primarily intended or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, primarily intended or designed for use in storing or concealing controlled substances; and

(k) Objects used, primarily intended or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(ii) Water pipes;

(iii) Smoking masks;

(iv) Roach clips, which are 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;

(v) Cocaine spoons and cocaine vials;

(vi) Carburetor pipes and carburetion tubes and devices;

(vii) Chamber pipes;

(viii) Electric pipes;

(ix) Air-driven pipes;

(x) Chillums;

(xi) Bongs; and

(xii) Ice pipes or chillers.

4. In determining whether an object is an item of drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

- (b) Prior controlled substance convictions, if any, of an owner or of anyone in control of the object;
- (c) The proximity of the object, in time and space, to another controlled substance violation;
- (d) The proximity of the object to controlled substances;
- (e) The existence of any residue of controlled substances on the object;
- (f) Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intends to use the object to facilitate a controlled substance violation;
- (g) Instructions, oral or written, provided with the object concerning its use;
- (h) Descriptive materials accompanying the object which explain or depict its use;
- (i) National and local advertising concerning its use;
- (j) Expert testimony concerning its use.

Proposed on the 18 day of April, 1995.
 Proposed by Commissioner Joanne Bond
 Passed on the 9 day of May, 1995.

Vote:

Ayes: Joanne Bond, Steve Bradhurst, Mike Mouliot, Grant Sims, and James Shaw

Nays: None

Absent: None

James M. Shaw
 Chairman
 Washoe County Commission

ATTEST:

JUDI BAILEY

~~County Clerk~~ Chief Deputy

This ordinance shall be in force and effect from and after the 23 day of May, 1995.