

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 - 80

AN ORDINANCE PROHIBITING THE SALE AND ADVERTISING FOR SALE BY ANY PERSON NOT A LICENSED PHARMACY OF PARAPHERNALIA ASSEMBLED FOR SALE IN ORDER TO BE USED, IN ANY WAY, WITH THE INTRODUCTION INTO THE HUMAN BODY OF A CONTROLLED SUBSTANCE AS THAT TERM IS DEFINED BY THE "CONTROLLED SUBSTANCE, DRUG DEVICE AND COSMETIC ACT" OF THE PENNSYLVANIA LEGISLATURE.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained under the authority of The Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended (53 P.S. 65101 et seq.) by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This ordinance shall be known as the Middlesex Township Controlled Substance Paraphernalia Prohibition Ordinance.

SECTION 2. PREFACE: POLICY AND INTENTION

The people and citizens of the Township of Middlesex acting by and through their duly elected government body, this Board of Supervisors, are aware that businesses exist in our nation that market and advertise for sale and sell paraphernalia that are utilized by our residents in the introduction into their bodies of prohibited controlled substances and that this business is not effectively controlled, regulated or prohibited. This Board of Township Supervisors believes that this industry panders to our youth, encourages them, physically, to utilize controlled substances and, in this way, encourages such persons in the illegal use of controlled substances. This Board of Township Supervisors believes that such use of controlled substances is harmful to the user thereof and poses a clear, present and substantial danger to the health and welfare of the persons who utilize such substances. Therefore, in

answer to these factors, this Ordinance is enacted to promote the health, safety and public welfare of the citizens and inhabitants of the Township of Middlesex.

SECTION 3. AUTHORITY.

This Ordinance and the objectives leading to its enactment are authorized by the provisions of The Second Class Township Code (as amended) aforesaid including but not limited to the following sections thereof:

- a. Article VII Section 702, Cl. XXIX (53 P.S. 65729).
- b. Article VII, Section 702, Cl. XLVII (53 P.S. 65747).
- c. Article VII, Section 702, Cl. LXII (53 P.S. 65762).

SECTION 4. DEFINITIONS

A. The term "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, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972, P.L. 233, No. 64 (35 P.S. 780-101 et seq.), the term "Drug Paraphernalia" includes, but is not limited to the following:

(1) 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;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances:

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

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

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

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

(7) 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;

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

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

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

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

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

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

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) 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;

- (f) Miniature cocaine spoons, and cocaine vials;
- (g) Chamber pipes;
- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chillums;
- (l) Bongs;
- (m) Ice pipes or chillers.

SECTION 5. PROHIBITED CONDUCT

A. It shall be and is a violation of this Ordinance 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, 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 ordinance.

B. It shall be and is a violation of this Ordinance 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 the Township of Middlesex 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.

SECTION 6. VIOLATIONS AND PENALTIES

Any person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed to be a separate offense and shall be punishable as such. The fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgment upon any person by summary conviction, or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding thirty (30) days.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective in accordance with law.

SECTION 8. SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of this Board of Township Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 9. RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances or parts of Ordinances inconsistent herewith

shall be and the same are hereby repealed.

ENACTED AND ORDAINED this 9th day of December, 1980.

TOWNSHIP OF MIDDLESEX

By Albert M. Shoues
Chairman, Board of Supervisors

By David C. Wetzel
Supervisor

By Robert M. Egle
Supervisor

ATTEST:

R. E. Preston
Township Secretary