

COUNTY COUNCIL  
Snohomish County, Washington



CO00029705

ORDINANCE NO. 80-111  
RELATING TO THE CONTROL OF DRUG  
PARAPHERNALIA; ADDING A NEW  
CHAPTER, NUMBERED 10.48, TO  
THE SNOHOMISH COUNTY CODE

WHEREAS, the Snohomish County Council has concluded that the sale and use of unlawful drugs is a major problem within unincorporated Snohomish County;

WHEREAS, the ready availability of drug paraphernalia encourages the sale and use of unlawful drugs and gives the appearance of condoning the sale and use of unlawful drugs in violation of law;

WHEREAS, the County has a great interest in protecting its citizens and ensuring respect for the rule of the law; and

WHEREAS, it is the county's responsibility to protect, preserve and improve the quality of life of its citizens and such interests are furthered by the passage of this act;  
Now, therefore,

BE IT RESOLVED that a new chapter, numbered 10.48, is added to the Snohomish County Code as follows:

Chapter 10.48

## DRUG PARAPHERNALIA

### Sections:

- 10.48.010 Definitions
- 10.48.020 Possession of Drug Paraphernalia
- 10.48.030 Manufacture or Delivery of Drug Paraphernalia
- 10.48.040 Advertisement of Drug Paraphernalia
- 10.48.050 Nuisance
- 10.48.060 Seizure and Forfeiture
- 10.48.070 Severability
- 10.48.080 Effective Date

10.48.010 Definitions. The term "drug paraphernalia" means all equipment, products, and materials of any kind whose primary design function is 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 unlawful drugs, including but not limited to controlled substances as defined by the Revised Code of Washington, Chapter 69.50. Such term includes but is not limited to:

(A) Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance or unlawful drug can be derived.

(B) Kits used, intended for use, or designed for use in the manufacturing, compounding, converting, producing, processing, or preparing of unlawful drugs.

(C) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an unlawful drug.

(D) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of unlawful drugs.

(E) Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs.

(F) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting unlawful drugs.

(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 marijuana.

(H) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding unlawful drugs.

(I) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs.

(J) Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs.

(K) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, 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 marijuana 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) Chilams;
- (12) Bongs;
- (13) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should 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 convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(C) The proximity of the object, in time and space, to a direct violation of the Controlled Substance Act, RCW 69.50;

(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 an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(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) The manner in which the object is displayed for sale;

(K) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(M) The existence and scope of legitimate uses for the object in the community;

(N) Expert testimony concerning its use.

10.48.020 Possession of Drug Paraphernalia. It is unlawful for any person to use, or to possess with intent to use, any item of 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 act. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety days or fined not more than five hundred dollars, or both.

10.48.030 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, any item of 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 code. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not

more than ninety days, fined not more than five hundred dollars, or both.

10.48.040 Advertisement of Drug Paraphernalia. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, or to display on any poster, reader board or billboard or sign of any sort, knowing, or under circumstances where one reasonable should know, that the purpose of the advertisement or display, in whole or in part, is to promote the sale of any object designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than ninety days, fined not more than five hundred dollars, or both.

10.48.050 Nuisance. The distribution or possession for the purpose of sale, exhibition or display, in any place, public or private, of any devices, contrivances, instruments, or paraphernalia, including all items defined as drug paraphernalia in section 10.48.010, which are primarily designed for or intended to be used for the smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is hereby declared to be a public nuisance and may be abated by Snohomish County. This remedy shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this ordinance.

10.48.060 Seizure and Forfeiture. (1) The following are subject to seizure and forfeiture:

(a) All drug paraphernalia;

(2) Upon showing of probable cause that any property is subject to seizure or forfeiture, any court of competent jurisdiction may issue a warrant for the seizure thereof. Any peace officer having probable cause to believe that property is subject to seizure and forfeiture may seize the same provided proceedings for forfeiture shall be commenced within a reasonable time and in no case more than five (5) days after the initial seizure.

(3) Property seized in accord with the section or subject to forfeiture shall be forfeited by civil

proceedings commenced in the same manner as other civil actions of a like nature. Property abandoned or lost or for whom the owner cannot be determined shall be disposed of as is other lost property.

(4) The property forfeited shall be the sole property of Snohomish County.

10.48.070 Severability. If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

10.48.080 Effective Date. This ordinance shall be effective on January 1, 1981.

PASSED this 15th day of December, 1981.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

TEST:

Donald J. Britton  
Chairperson

Ollie Snyder  
Clerk of Council

- (  ) APPROVED
- (  ) VETOED
- (  ) EMERGENCY

DATE: 12-17-80

*Willis D. Tucker*  
County Executive

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