

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Drug Paraphernalia
41.02 Fireworks
41.03 Discharge of Weapons

41.04 Throwing and Shooting
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41.15 Urinating and Defecating

41.01 DRUG PARAPHERNALIA.

1. Definitions. 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 Uniform Controlled Substances Act. Includes, but is not limited to:

- A. Kits used, intended for use, or designed for use in planning, 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, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
- E. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- F. Diluents and adulterants, such as quinine hydrochloride, mannite, dextrose or lactose, used, intended for use or designed for use in cutting controlled substances;
- G. Separating 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 controlled substances;

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

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injected controlled substances into the human body;

L. 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:

- (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) Carburetion tubes and devices,
- (iv) Smoking and carburetion masks,
- (v) Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand,
- (vi) Miniature cocaine spoons and cocaine vials,
- (vii) Chamber pipes,
- (viii) Carburetor pipes,
- (ix) Electric pipes,
- (x) Air-driven pipes,
- (xi) Chillums,
- (xii) Bongs,
- (xiii) Ice pipes or chillers.

2. In determining whether an object is drug paraphernalia for the purpose of enforcing this Article, the following factors should be considered in addition to all logically relevant factors:

- 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 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 Uniform Controlled Substances Act;
 - 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 the owner knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to direct violation of the Uniform Controlled Substances Act should 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 enterprises.
 - M. The existing and scope of legitimate uses for the object in the community;
 - N. Expert testimony concerning its use.
3. Prohibited Acts.
- A. Possession of Drug Paraphernalia. No person shall use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,

process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act.

B. **Manufacture or Delivery of Drug Paraphernalia.** No person shall 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, package, repackage, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act.

C. **Advertisement of Drug Paraphernalia.** No person shall place or accept for placement in any newspaper, magazine, handbill or other publication, 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.

41.02 FIREWORKS. The sale, use or exploding of fireworks within the City are subject to the following:

1. **Definition.** The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. **Regulations.** It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. **Personal Injury:** - \$250,000.00 per person.

B. **Property Damage:** - \$50,000.00.

C. Total Exposure: - \$1,000,000.
(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

41.03 DISCHARGE OF WEAPONS. It is unlawful for a person to discharge or shoot a rifle, shotgun, revolver, pistol, gun, paintball gun, crossbow, bow and arrow or any other kind of firearm or weapon within the City limits except by written authorization of the Cascade City Council. This section does not apply to law enforcement officers acting in the course of their duties.

41.04 THROWING AND SHOOTING. It is unlawful for a person to throw, launch or propel stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, BB guns or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Cascade City Council.

41.05– 41.14 (RESERVED)

41.15 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate except in a commode or urinal located inside a building.