

Chapter 20

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ARTICLE I.

IN GENERAL

Secs. 20-1--20-19. Reserved.

ARTICLE II.

ALCOHOLIC BEVERAGES

Sec. 20-20. Drinking or possession on public property.

It shall be unlawful for any person to consume any alcoholic liquors, beer, ale, porter, wine or any other similar malt or fermented beverage on the street, sidewalk or any other public property. Possession of any open can, bottle or other container with alcoholic liquors, therein on aforesaid property shall constitute prima facie evidence of any violation of this chapter.

(Code 1989, § 14.102.5; Ord. of 1-11-1982)

Sec. 20-21. Sales between Saturday night and Monday morning prohibited.

It shall be unlawful for any person to sell or offer for sale any wine or beer between the hours of 12:00 midnight Saturday night and sunrise Monday morning, except for those establishments licensed by the state to sell alcoholic beverages in containers of two ounces or less during the lawful hours.
(Code 1989, § 14.103.6)

Sec. 20-22. Drinking or possession on licensed premises at prohibited hours.

Any person who drinks beer or wine or possesses beer or wine in an open container between the hours of 12:00 Saturday night and sunrise Monday morning at any place licensed to sell beer or wine shall be deemed guilty of a misdemeanor.
(Code 1989, § 14.103.8)

Sec. 20-23. Unlawful to consume at certain places.

It shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.
(Code 1989, § 14.103.15)

Sec. 20-24. Violations.

Any violation of the provisions of this article shall constitute a misdemeanor.
(Code 1989, § 14.103.16)

Secs. 20-25--20-51. Reserved.

ARTICLE III.

PUBLIC AMUSEMENTS

Sec. 20-52. Regulating house of musical devices.

It shall be unlawful for any person to operate any coin-operated mechanical device for making music in any place of business between the hours of 12:00 midnight and 7:00 a.m.
(Code 1989, § 14.201)

Sec. 20-53. Hours of business having musical devices.

It shall be unlawful for any place of business having in its possession for use or sale any piccolo, nickelodeon, radio, television or other music-making machine, to be open between the hours of 12:00 midnight and 5:00 a.m. the following day.
(Code 1989, § 14.202)

Sec. 20-54. Musical devices operated loudly.

It shall be unlawful to operate, after 12:00 midnight and prior to 8:00 a.m., or at any time during Sunday, any musical device of any nature, however operated, that is operated so loudly as to make a noise to disturb the repose of the community; provided, that this section shall not prohibit the operation of a radio, television, electronic games, or other such instruments in the home, which are so operated as not to disturb the peace. (Code 1989, § 14.203)

Sec. 20-55. Disturbance at entertainments, gatherings, etc.

It shall be unlawful for any person to behave disorderly in any public hall or other place of amusement, entertainment or gathering or to enter the same in a drunken condition or to interrupt any play, performance, lecture, entertainment or service therein or any player, speaker or other person taking part therein. (Code 1989, § 14.204)

Sec. 20-56. Carnivals and street shows prohibited without permit.

With the exception of county fairs, circuses, carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business within the city limits. (Code 1989, § 14.205; Ord. of 4-1-1985)

Sec. 20-57. Permits for dance halls, pavilions.

Dancehalls or pavilions licensed by the city may, upon application to the chief of police, obtain special permission to operate such instruments or machines for a later hour than above fixed, which hour shall be stated in such permits, for regular dances, provided that not more than two such permits may be obtained during any one week; in such cases the machines or instruments shall also be operated in a subdued or modulated volume. (Code 1989, § 14.206)

Sec. 20-58. Dancehalls unlawful on Sundays.

It shall be unlawful for any person to keep open or operate any public dancehall, or allow any person to continue thereat, between the hours of 12:00 midnight Saturday and 12:00 midnight, Sunday, and all such places shall be and remain closed to the public between such hours. (Code 1989, § 14.207)

Sec. 20-59. Amusement places to have entrances opening onto street.

All places of public amusements, for safety purposes, shall have entrances which open onto a public street. (Code 1989, § 14.208)

Sec. 20-60. Poolrooms--Restrictions as to minors.

(a) It shall be unlawful for any person under 18 years of age to play billiard or pocket billiards in any billiard room, unless accompanied by his parent or guardian or with the written consent of his parent or guardian. Any person violating the provisions of this section and sections 20-61 through 20-63, or any billiard

room proprietor or manager who shall permit such violation shall be punished as provided herein.

(b) In the event the keeper of a billiard room is of the opinion any person desiring admission thereto in under the age of 18, he shall require such person to certify his age in writing. It shall be a misdemeanor for any minor to make a false certificate as to his age or to use a forged permit from his parent or guardian. (Code 1989, § 14.209)

Sec. 20-61. Same--Provisions to be conspicuously displayed.

Every licensed billiard room proprietor shall, for the information of his patrons, post in any room where pool tables are operated a placard having conspicuously written or printed thereon in letters not less than one-fourth of an inch in height the provisions of section 20-60. (Code 1989, § 14.210)

Sec. 20-62. Same--Duty of proprietor.

The proprietor of person in charge of any billiard room or pocket billiard room shall use reasonable diligence and care to see that the provisions of these sections shall be held responsible, under the penalties provided herein. (Code 1989, § 14.211)

Sec. 20-63. Same--Exemptions.

The provisions hereof shall not be construed to include billiard tables or billiard rooms operated by fraternal orders, bona fide clubs, industrial concerns, religious orders or charitable institutions when no fees are charged for the use of such tables. Should fees be charged for the use of such tables, all of the provisions hereof shall apply. (Code 1989, § 14.212)

Secs. 20-64--20-84. Reserved.

ARTICLE IV.

OFFENSES AGAINST MORALITY, DECENCY AND PUBLIC WELFARE

Sec. 20-85. Indecent exposure.

It shall be unlawful for any person to commit willful and malicious indecent exposure of his person in any public place, on property of others or to the view of any person on any street or highway or to appear in a public place in a state of nudity. (Code 1989, § 14.301)

Sec. 20-86. Bawdy houses.

The keeping of a bawdy house, disorderly house or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house, or other building situated within

the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution.
(Code 1989, § 14.302)

Sec. 20-87. Illegal purposes--Solicitation.

It shall be unlawful for any person to invite or entice any person upon any street, public square or enclosure to accompany, go with or follow such person to any place for immoral purposes, or to invite, entice or address any person from any door, window, porch or portico of any house or building to enter any house, go with or accompany such person to any place for illegal purposes.
(Code 1989, § 14.303)

Sec. 20-88. Same--Information or direction.

It shall be unlawful for any person to give information about any house or place for illegal purposes, whether the communication be by word of mouth, or direction, telephone or in writing.
(Code 1989, § 14.304)

Sec. 20-89. Same--Transportation of persons.

It shall be unlawful for any person to transport, carry, convey, or assist by aiding, abetting, encouraging, requesting or other, in transporting, carrying, conveying in or accompanying by any ways and means whatsoever any person for any illegal purpose.
(Code 1989, § 14.305)

Sec. 20-90. Same--Places for, unlawful to rent, use, etc.

It shall be unlawful for any person to take, rent, use or occupy any place for illegal purposes.
(Code 1989, § 14.306)

Sec. 20-91. Gambling, games of chance.

It shall be unlawful for any person to engage in gambling or games of chance, unless otherwise legal under state law, within the corporate limits.
(Code 1989, § 14.307)

Sec. 20-92. Gambling house.

It shall be unlawful for any person to keep or maintain a gambling house, room or any other place where people engage in gambling or games of chance, or to permit gambling or games of chance in any building on their premises or under their control.
(Code 1989, § 14.308)

Sec. 20-93. Fortunetelling.

It shall be unlawful to engage in the business, trade or profession of fortunetelling, palmistry,

phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.

(Code 1989, § 14.309)

Sec. 20-94. Public drunkenness.

It shall be unlawful for any person to create a nuisance upon the public streets or in any public place in a drunken condition.

(Code 1989, § 14.311)

Sec. 20-95. Drinking in public.

It shall be unlawful for any person to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public buildings, grounds or properties.

(Code 1989, § 14.312)

Sec. 20-96. Spitting.

It shall be unlawful for any person to spit upon any sidewalk or other public place, or upon the floor, walls or any other part of any building or room which is used by the public.

(Code 1989, § 14.313)

Sec. 20-97. Interference with streets, sidewalks, etc.

It shall be unlawful for any person to close or in any manner interfere with the free use of any public street or thoroughfare, sidewalk or alley without the previous written consent of the council.

(Code 1989, § 14.315)

Sec. 20-98. Obstruction prohibited.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Obstruction means and shall encompass, but shall not necessarily be limited to, one or more of the following acts:

- (1) Obstruction of the unhampered passage of pedestrians or vehicles.
- (2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place.
- (3) Refusing to move when requested to do so by a police officer, provided the officer has exercised his discretion reasonably under the circumstances, in order to preserve or promote public peace and order.

(b) *Prohibited.* It shall be unlawful for any person to obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street, park or public place.
(Code 1989, § 14.317)

Secs. 20-99--20-126. Reserved.

ARTICLE V.

OFFENSES AGAINST THE PEACE

Sec. 20-127. Discharge of firearms.

It shall be unlawful for any person to discharge at any other person any loaded or unloaded firearm. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatricals or like performances or to peace officers in the discharge of their duties.
(Code 1989, § 14.401)

Sec. 20-128. Concealed weapons.

It shall be unlawful for any person to carry concealed about his person any dirk, metal knuckles, razor, icepick, hawkbill knife or any spring or clasp knife, which has a blade more than three inches in length, or other weapon usually used for the infliction of personal injuries.
(Code 1989, § 14.402)

Sec. 20-129. Resisting officer making arrest.

Any persons who shall resist, obstruct any officer in the discharge of his duty who shall aid or abet any persons in resisting or obstructing any officer in the discharge of his duty, shall be deemed guilty of a misdemeanor, subject to the limitations prescribed by S.C. Code 1976, §§ 14-25-65 and 16-5-50.
(Code 1989, § 14.405)

Sec. 20-130. Riots.

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no wound inflicted, shall be subject to and liable for each offense.
(Code 1989, § 14.407)

Sec. 20-131. Failure to aid police.

It shall be the duty of each and every citizen to assist municipal officers to arrest violators of the law when requested, and it shall be unlawful for any person to fail to do so.
(Code 1989, § 14.408)

Sec. 20-132. Discharge of dangerous devices, firearms.

It shall be unlawful, within the corporate limits, to fire or discharge any pistol, gun, air rifle, sling shot or

other device which may be potentially harmful to any person or property.
(Code 1989, § 14.409)

Sec. 20-133. Parades, picketing, demonstrations, permit required.

(a) It shall be unlawful to parade, picket or march unless a permit to perform such actions has been secured. To secure a permit, those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the municipal clerk, for subsequent approval by the council, between the hours of 9:00 a.m. and 5:00 p.m. of each work day. A permit may be issued three days thereafter, excluding the date the application is submitted. The application shall state the time, duration, purpose, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching.

(b) When picketing or engaging in demonstrations, no person shall:

- (1) Use on the streets or public places any verbal abuse, including threats, or acts of violence, directed against any person.
- (2) March, parade, protest or picket on public property in any manner other than as permitted by this article, except with the express written consent and approval of the council.
- (3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.
- (4) Damage or destroy or injure the person or property of others.
- (5) Block, in any manner, the streets and means of ingress and egress to places of business.
- (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
- (7) Interfere in any matter with the attendance, during school hours, of children in the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason, or permitting them to be or remain in churches or other places used in such demonstrations.
- (8) Picket, other than in accordance with the following principles:
 - a. In small numbers.
 - b. In a manner so as not to interfere with pedestrians or vehicular traffic.
 - c. In a manner so as not to block entrances or exits to or from picketed establishments.
 - d. No more than four pickets posted at any one time at any one business establishment.
 - e. No more than two business establishments picketed in the same block at the same time.

- f. No picket trespassing upon the property of the business establishment being picketed.
- g. Pickets patrolling on the sidewalk at a distance of not less than eight feet from every other picket.
- h. No person, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.

(9) Demonstrate, other than in accordance with the following principles:

- a. Walking not more than two abreast upon the public sidewalks or in groups of not more than 100 persons.
- b. Observe all traffic control devices.
- c. Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.
- d. Assemble peacefully and speak peacefully for a period of time not exceeding 30 minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.

(10) This section shall not apply to:

- a. Funeral processions;
- b. The United States Armed Forces;
- c. The military force of this state; and
- d. The city police and fire departments.

(Code 1989, § 14.410; Ord. No. 22, § 10, 11-8-1965)

Sec. 20-134. Aiders or abettors; hindering police officers; escape.

(a) It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinances. Such person shall be held and deemed a principal.

(b) It shall be unlawful for any person to escape from custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist, or abet, directly or indirectly, another person to escape from the custody of an officer making an arrest or an officer assisting therein.

(Code 1989, § 14.411)

Sec. 20-135. Noises; disturbing the peace.

The creation and continuation of any loud, disturbing noise is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any citizen. The following acts, among others, are declared to be loud, disturbing noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) *Noises to attract attention.* The use of any drum, noise makers or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise, by the creation of noise except by permit from the chief of police.
- (2) *Business noises at night near residences.* The operation of any garage, service station, auto repair business, plant, store, factory or other place of business, between the hours of 8:00 p.m., and 7:00 a.m., in such manner as to create loud and disturbing noises, of such frequency or such volume as to disturb the quiet and comfort of any citizen and particularly the creating of disturbing noises of such frequency and volume as to disturb the quiet, comfort, peace or repose of any person in any dwelling, boardinghouse or other type of residence.

(Code 1989, § 14.412)

Sec. 20-136. Halloween trick or treat.

(a) It shall be unlawful for any person over 12 years of age to participate in the act of trick or treat on Halloween night, and all persons under said age shall be accompanied by a parent or responsible person. All trick or treat activities shall normally be conducted between 6:00 p.m. and 8:00 p.m.

(b) This section shall not apply to organized and supervised Halloween parties such as schools, churches, private homes, etc.

(Code 1989, § 14.413)

Sec. 20-137. Crime watch area signs; designation.

(a) The city administrator and chief of police shall designate crime watch areas and obtain official permission, to erect signs indicating such areas, from the South Carolina Department of Transportation (SCDOT).

(b) Crime watch area signs shall not exceed three feet by four feet and shall be placed on highway or street rights-of-way in accordance with SCDHPT regulations.

(Code 1989, § 14.415)

Sec. 20-138. Excessive false alarms prohibited.

(a) Each property owner in the city shall be allowed two false alarms during any calendar year without the assessment of a fine.

(b) All alarms in excess of two in any one calendar year shall be assessed a fine of \$50.00 for each additional excessive false alarm.

(c) The city police department shall report quarterly to the city administrator a list of all false alarms investigated in the city.

(Ord. No. 2002-1, §§ 1--3, 10-7-2002)

Secs. 20-139--20-160. Reserved.

ARTICLE VI.

OFFENSES AGAINST PROPERTY

Sec. 20-161. Damaging property.

Any person who shall injure any animal, or who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person shall be deemed guilty of a misdemeanor.

(Code 1989, § 14.502)

Sec. 20-162. Fires and fireworks near buildings.

It shall be unlawful for any person to build or ignite a fire or to shoot or discharge fireworks in any place within the corporate limits that would endanger any property or building.

(Code 1989, § 14.511)

Sec. 20-163. Imitating signal or call for police officer prohibited.

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, shall be guilty of a misdemeanor.

(Code 1989, § 14.513)

Sec. 20-164. Gaining admission to public event without paying therefor.

(a) *Prohibited.* It shall be unlawful for any person, where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.

(b) *Witnessing event.* It shall be unlawful for any person, unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission.

(c) *Aiding and abetting.* It shall be unlawful for any person to aid, abet or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

(Code 1989, § 14.514)

Sec. 20-165. Fraudulent checks.

It shall be unlawful for any person to draw or utter a fraudulent check, draft, or other written notice pursuant to S.C. Code 1976, § 34-11-10 et seq., which are adopted by reference.
(Code 1989, § 14.515; Ord. No. 91-2, 8-5-1991)

Secs. 20-166--20-183. Reserved.

ARTICLE VII.

OFFENSES AGAINST PUBLIC POLICY

Sec. 20-184. Disruption of public meetings.

It shall be unlawful for any person to interrupt the proceedings of any public meeting, or be guilty of disorderly conduct therein, or to commit any contempt of either.
(Code 1989, § 14.601)

Sec. 20-185. Communication with prisoners.

It shall be unlawful for any person, except authorized officials, to take anything to or in any way communicate with any prisoner confined unless permission to do so shall have first been obtained from the chief of police or his deputies.
(Code 1989, § 14.602)

Sec. 20-186. Approaching within 20 feet of person being arrested.

It shall be unlawful for any persons to willfully approach nearer than 20 feet to any police officer who has made, is making or attempting to make an arrest.
(Code 1989, § 14.603)

Sec. 20-187. Public property to be returned upon separation.

It shall be unlawful for any employee or member of council to fail to return any public property entrusted to him, including this Code, upon his resignation or any other reason for separation from municipal employment or service.
(Code 1989, § 14.604)

Sec. 20-188. Swearing falsely when taking oaths.

It shall be unlawful for any person to willfully and knowingly swear falsely under oath in giving evidence in the municipal court, or at any other time or place within the corporate limits where an oath has been taken before any person who may be qualified to administer oaths.
(Code 1989, § 14.605)

Sec. 20-189. Failure to stop on command of officer.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other officer.
(Code 1989, § 14.606)

Secs. 20-190--20-216. Reserved.

ARTICLE VIII.

OFFENSES AGAINST THE PERSON

Sec. 20-217. Unlawful to throw object injuring person or damaging property.

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken or other property belonging to another damaged or destroyed.
(Code 1989, § 14.705)

Sec. 20-218. Nuisances unlawful.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nuisance means and includes everything that gives offense to senses or obstructs reasonable and comfortable use of property.

(b) *Prohibited within city.* It shall be unlawful for any person to keep or maintain a nuisance in the corporate limits of the city.
(Code 1989, § 14.706)

Secs. 20-219--20-244. Reserved.

ARTICLE IX.

PENALTIES

Sec. 20-245. Parties to a crime.

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this Code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions shall be guilty of such offense.
(Code 1989, § 14.801)

Sec. 20-246. Plea of guilty or nolo contendere or forfeiture of bail same as conviction.

The entry of any plea of guilty or nolo contendere or the forfeiture of any bail posted for the violation of

any provision of this Code or for the violation of any other law or municipal ordinance shall have the same effect as a conviction after trial under such provisions.
(Code 1989, § 14.802)

Sec. 20-247. Adoption of criminal law of state.

All acts and conduct that constitute violation of the statutory law, as set forth in the 1976 South Carolina Code of Laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the council.
(Code 1989, § 14.804)

Secs. 20-248--20-272. Reserved.

ARTICLE X.

DRUG PARAPHERNALIA

Sec. 20-273. Possession.

It is unlawful for any person to possess drug paraphernalia as hereinafter defined.
(Ord. No. 2006-7, § 1, 11-6-2006)

Sec. 20-274. Factors for determination.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products, and materials of any kind which are used, intended for the 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 this article. The term "drug paraphernalia" includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, or growing or harvesting any species of plant 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 a controlled substance.
- (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 or 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 marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used, or designed for use, in compounding controlled substances.
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in compounding 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 or 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 to ingest, inhale, or otherwise introduce marijuana, cocaine, crack cocaine, ice, crank, hashish, or hashish oil into the human body, including, but not limited to:
 - 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. Carbureting tubes and devices.
 - d. Smoking and carbureting masks.
 - e. 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.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.
 - h. Carburetor pipes.
 - i. Electric pipes.
 - j. Air-driven pipes; chillums; bongs.

k. Ice pipes or chillers.

(b) *Considerations for determination.* In determining whether or not an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) 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.
- (3) Proximity of the object, in time and space, to a direct violation of this article.
- (4) Proximity of the object to controlled substances.
- (5) Existence of any residue of controlled substances on the object.
- (6) Direct or circumstantial evidence of the intent of the 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 article; the innocence of an owner, or of anyone in control on the object, as to direct violation of this article shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- (7) Instructions, oral or written, provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning its use.
- (10) The manner in which the object is displayed for sale.
- (11) Whether or not 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.
- (12) Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.
- (13) Existence and scope of legitimate uses for the object in the community; expert testimony concerning its use.

(Ord. No. 2006-7, § 2, 11-6-2006)