AN ORDINANCE of the City of Kent, Washington, requiring business proprietors to exclude minors from any room or place where devices, contrivances, instruments or paraphernalia for the smoking, inhalation or ingestion of marijuana, hashish, PCP or any "controlled substance" are displayed or offered for sale and prohibiting the sale of such items to persons under the age of eighteen years.

WHEREAS, the unrestricted display and sale by businesses of drug paraphernalia may impress upon minors the conception that the use of such paraphernalia with illegal drugs is endorsed by businesses and condoned by the community; and

WHEREAS, the display and sale of drug paraphernalia to minors can encourage the acquisition, experimentation with, and use thereof by such minors to their possible harm; and

WHEREAS, it is in the public interest that the health, safety and well being of minors be protected; and

WHEREAS, it is in the best interests of minors that their exposure to displays and sale of drug paraphernalia be also known to their parents and legal guardians in order that said parents and guardians may be better able to provide cautionary counsel to those minors in their charge with respect to the effects of the use thereof, and of drug involvement resulting therefrom; and

WHEREAS, in order to protect the health, safety, and well being of minors in the community, it is necessary to regulate the display and sale to minors of such materials in community businesses,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN:

Section 1. SALE AND DISPLAY OF DRUG PARAPHERNALIA.
A. Definitions.
1) "Controlled substance," as used in this ordinance, is defined as that term is defined in RCW 69.50, the Uniform Controlled Substances Act of the State of Washington.
2) The term "paraphernalia" for the purpose of this ordinance includes, but is not limited to, one or more of those items identified in the list set forth in subsection 4) below, and shall mean any device designed primarily for or intended for use by individuals for the smoking, inhalation or ingestion of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance," other than prescription drugs or devices to ingest or inject prescription drugs.

3) A device "designed primarily for" such smoking or ingestion set forth in subsection 2) above is a device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking, ingestion or consumption of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance," and is peculiarly adapted to such purposes by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding the fact that it might also be possible to use such device for some other purpose.

4) Items of devices includable as paraphernalia are:
   (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent or otherwise, heads, or punctured metal bowls;
   (b) A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke than would otherwise be possible, whether the device is known as a "bong," or otherwise;
   (c) A smokable pipe constructed with a receptable or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested;
   (d) A smokable pipe which contains a heating unit, whether the device is known as an "electric pipe," or otherwise;
   (e) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb," or otherwise;
   (f) A canister, container or other device with a tube, nozzle or other similar arrangement attached thereto so constructed as to permit the forcing of smoke accumulated therein into the user's lungs under pressure, whether the
device is known as a "power hitter," or otherwise;

(g) A device for holding a marijuana cigarette, whether the device is known as a "roach clip," or otherwise;

(h) A spoon for ingestion of a controlled substance through the nose;

(i) A straw or tube for ingestion of a controlled substance through the nose or mouth.

B. Minors. No owner, manager, proprietor or other person in charge of any room in any place of business where any device, contrivance, instrument or paraphernalia which is 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 sold, or displayed for the purpose of sale, may allow or permit any person under the age of eighteen (18) years to be in, remain in, enter or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

C. Minors - Excluded. No person under the age of eighteen (18) years may be in, remain in, enter or visit any room in any place used for the sale, or displaying for sale, of devices, contrivances, instruments or paraphernalia 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, unless such person is accompanied by one of his or her parents, or his or her legal guardian.

D. Sale and Display Rooms. No person may maintain, in any place of business to which the public is invited, the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia 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, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be posted with a sign in reasonably visible and legible words to the effect that items which are defined as drug paraphernalia under this ordinance are being offered for sale in such
a room, and that minors, unless accompanied by a parent or legal guardian, are excluded.

E. No person shall sell or give, or permit to be sold or given to any person under the age of eighteen (18) years any device, contrivance, instrument, or paraphernalia which is 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.

F. Same; Nuisance. The distribution or possession for the purpose of sale, exhibition or display, in any place of business from which minors are not excluded as set forth in this ordinance, of devices, contrivances, instruments or paraphernalia 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 the City of Kent. This remedy shall be in addition to any other remedy provided by law, including the penalty provisions applicable for the violation of the terms and provisions of this ordinance.

G. Any person convicted of having violated subsections B, C, D, G or E of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than $300 or a jail sentence of not more than 90 days, or both such fine and jail sentence. In addition, a second or subsequent conviction of Section B, C, D or E of this ordinance may result in revocation of the business license of the place of business where the violations occurred.

Section 2. The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance are severable, and if for any reason any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval, and publication as provided by law.
ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 18 day of August, 1980.
APPROVED the 19 day of August, 1980.
PUBLISHED the 21\textsuperscript{st} day of August, 1980.

I hereby certify that this is a true copy of Ordinance No. \underline{2245}, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)