

ORDINANCE NO. 05-2025

**AN ORDINANCE AMENDING ARTICLE 7 – ALCOHOLIC
BEVERAGES AND DRUGS, DIVISION 2 - DRUGS, CHAPTER 10
– GENERAL OFFENSES OF THE GARDEN CITY MUNICIPAL
CODE REGARDING DRUG PARAPHERNALIA**

WHEREAS, the Town of Garden City Board of Trustees has become aware that the Town's definition for drug paraphernalia in the Town's municipal code is overly general; and

WHEREAS, the Board of Trustees recognizes that the definition of drug paraphernalia under state law is more specific than the Town's definition in the municipal code; and

WHEREAS, the Board of Trustees believes it is in the best interest of the Town to amend the Town's definition of drug paraphernalia in its municipal code to more closely follow *C.R.S. 18-18-426*.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO AS FOLLOWS:

Section 1. Amendment of Article 7 – Alcoholic Beverages and Drugs, Division 2 - Drugs, Chapter 10 – General Offenses, Section 10-7-110. Definitions. of the Garden City Municipal Code is hereby modified by amending the following definition of drug paraphernalia that currently reads:

Drug paraphernalia means any machine, instrument, tool, equipment or device which is primarily designed and intended for one or more of the following:

- (1) To introduce into the human body any controlled substance under circumstances in violation of state law;
- (2) To enhance the effect on the human body of any controlled substance under circumstances in violation of state law;
- (3) To conceal any quantity of any controlled substance under circumstances in violation of state law; or
- (4) To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of state law.

Shall be replaced with the following:

- (1) "Drug paraphernalia" means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise

introducing into the human body a controlled substance in violation of the laws of this state. "Drug paraphernalia" includes, but is not limited to:

- (a) Syringes, even if initially manufactured for diabetic or other medical use;
- (b) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (c) 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;
- (d) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (e) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (f) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (g) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, methamphetamine, crack, hashish, hashish oil, or other controlled substances 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 material, 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) "Drug paraphernalia" does not include:

(a) Any marijuana accessories as defined in section 16 (2)(g) of article XVIII of the state constitution; or

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

Section 2. Severability. Should any section, clause, sentence or part of this ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and or invalid, such adjudication shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED AND APPROVED THIS 18th , DAY OF FEBRUARY, 2025.

TOWN OF GARDEN CITY

By: _____
Mayor

ATTEST:

Town Clerk