

AN ORDINANCE AMENDING TITLE 7 POLICE REGULATIONS
CHAPTER 14 DRUG PARAPHERNALIA AND TITLE 7 POLICE
REGULATIONS CHAPTER 9 GENERAL OFFENSES TO ADD NEW SECTIONS
PROHIBITING MISDEMEANOR ASSAULT AND MISDEMEANOR THEFT

Be It Enacted by the City Council of the City of Muscatine, Iowa:

SECTION 1. AMENDMENT. Title 7 POLICE REGULATIONS, Chapter 14, DRUG PARAPHERNALIA of the City Code of Muscatine is hereby repealed in its entirety and the following new Chapter and Sections are hereby adopted:

7-14-1 Definitions: As used in this section, “*drug paraphernalia*” means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- (1) Manufacture a controlled substance.
- (2) Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- (3) Test the strength, effectiveness, or purity of a controlled substance.
- (4) Enhance the effect of a controlled substance.

“*Drug paraphernalia*” does not include hypodermic needles or syringes if manufacture, delivered, sold, or possessed for a lawful purpose.

7-14-2 Manufacture, Deliver, Sell or Possession. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

7-14-3 Advertisement of Drug Paraphernalia Prohibited. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication of 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.

7-14-4 Penalty for Violation. Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and/or imprisoned in the County jail for not more than thirty (30) days.

SECTION 2. AMENDMENT. Title 7 POLICE REGULATIONS Chapter 9 GENERAL OFFENSES is hereby amended to adopt the following new sections:

7-9-6 Misdemeanor Assault. A person is guilty of misdemeanor assault when they commit an act as defined in Chapter 708.1, paragraph 1 or 2 of the Code of Iowa, when the act does not result in injury. Any person who violates this ordinance is guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and/or confinement in jail for a period not exceeding thirty (30) days.

7-9-7 Misdemeanor Theft. A person is guilty of misdemeanor theft when they commit an act as defined in Chapter 714.1 of the Code of Iowa and the value of the property or service does not exceed Two Hundred Dollars (\$200.00). Any person who violates this ordinance is guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and/or confinement in jail for a period not exceeding thirty (30) days.

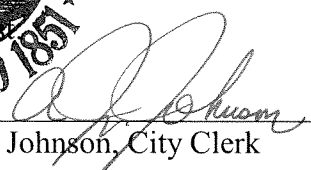
SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council the 3rd day of June, 2004, and APPROVED the day of June, 2004.




A. J. Johnson, City Clerk


Richard W. O'Brien, Mayor

First Reading	<u>05/20/04</u>
Second Reading	<u>06/03/04</u>
Third Reading	<u>Waived</u>
Publication	<u>06/14/04</u>

PROOF OF PUBLICATION

I, Beth Lester, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:


Muscatine City Clerk
Ordinance 89072-0604
Police Regulations

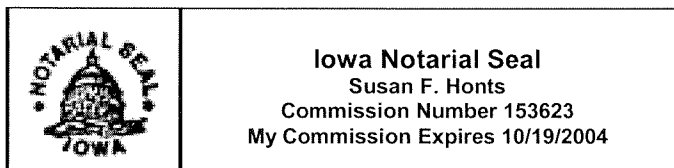
Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:
June 14, 2004


Beth Lester

STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this
17th day of June 2004


Susan F. Honts, Notary Public



**ORDINANCE
NO. 89072-0604
AN ORDINANCE
AMENDING TITLE 7 POLICE
REGULATIONS CHAPTER
14 DRUG PARAPHERNALIA
AND TITLE 7 POLICE REGU-
LATIONS CHAPTER 9 GENERAL
OFFENSES TO ADD NEW
SECTIONS PROHIBITING
MISDEMEANOR ASSAULT
AND MISDEMEANOR
THEFT**

Be It Enacted by the City
Council of the City of Muscatine,
Iowa:

SECTION 1. AMENDMENT.
Title 7 POLICE REGULATIONS,
Chapter 14, DRUG PARAPHER-
NALIA of the City Code of
Muscatine is hereby repealed in
its entirety and the following new
Chapter and Sections are hereby
adopted:

7-14-1 Definitions: As used in
this section, "drug paraphernalia"
means all equipment, products,
or materials of any kind used or
attempted to be used in combina-
tion with a controlled substance,
except those items used in combi-
nation with the lawful use of a
controlled substance, to know-
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do any of the following:

(1) Manufacture a controlled
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(2) Inject, ingest, inhale, or oth-
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(3) Test the strength, effective-
ness, or purity of a controlled
substance.

(4) Enhance the effect of a
controlled substance.

"Drug paraphernalia" does not
include hypodermic needles or
syringes if manufacture, deliv-
ered, sold, or possessed for a
lawful purpose.

**7-14-2 Manufacture, Deliver,
Sell or Possession.** It is unlawful
for any person to knowingly or
intentionally manufacture, deliv-
er, sell, or possess drug para-
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**7-14-3 Advertisement of Drug
Paraphernalia Prohibited.** It is
unlawful for any person to place
in any newspaper, magazine,
handbill, or other publication of
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 para-
phernalia.

7-14-4 Penalty for Violation.
Any person who violates any of
the provisions of this Chapter is
guilty of a misdemeanor and,
upon conviction, shall be fined
not less than Fifty Dollars
(\$50.00) nor more than Two
Hundred Dollars (\$200.00)
and/or imprisoned in the County
jail for not more than thirty (30)
days.

SECTION 2. AMENDMENT.
Title 7 POLICE REGULATIONS
Chapter 9 GENERAL OFFENS-
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the following new sections:

7-9-6 Misdemeanor Assault. A
person is guilty of misdemeanor
assault when they commit an act
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paragraph 1 or 2 of the Code of
Iowa, when the act does not
result in injury. Any person who
violates this ordinance is guilty of

a misdemeanor punishable by a
fine of not less than Fifty Dollars
(\$50.00) nor more than Two
Hundred Dollars (\$200.00)
and/or confinement in jail for a
period not exceeding thirty (30)
days.

7-9-7 Misdemeanor Theft. A
person is guilty of misdemeanor
theft when they commit an act as
defined in Chapter 714.1 of the
Code of Iowa and the value of the
property or service does not
exceed Two Hundred Dollars
(\$200.00). Any person who vio-
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misdemeanor punishable by a
fine of not less than Fifty Dollars
(\$50.00) nor more than Two
Hundred Dollars (\$200.00)
and/or confinement in jail for a
period not exceeding thirty (30)
days.

SECTION 3. REPEALER. All
ordinances or parts of ordinances
in conflict with the provisions of
this ordinance are hereby
repealed.

**SECTION 3. SEVERABILITY
CLAUSE.** If any section, provi-
sion or part of this ordinance
shall be adjudged invalid or
unconstitutional, such adjudica-
tion shall not affect the validity of
the ordinance as a whole or any
section, provision or part thereof
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tutional.

**SECTION 4. WHEN EFFEC-
TIVE.** This ordinance shall be in
effect from and after its final pas-
sage, approval and publication
as provided by law.

PASSED by the City Council
the 3rd day of June, 2004, and
APPROVED the day of 3rd June
2004.

Richard W. O'Brien,
Mayor

ATTEST:
A. J. Johnson,
City Clerk

First Reading 05/20/04
Second Reading 06/03/04
Third Reading Waived
Publication 6/14/04