

Town of Fair Haven
DRUG PARAPHERNALIA ORDINANCE
2010-04-20-4

Adopted: April 20, 2010

Effective: June 20, 2010

ARTICLE 1 - Authority

Pursuant to 24 VS.A. section 2291(8) the Selectmen of the Town of Fair Haven, Vermont hereby adopt the following ordinance to regulate the sale, possession and use of drug paraphernalia within the Town of Fair Haven.

This ordinance is designated as a civil ordinance pursuant to 24 VSA Section 1971(b).

ARTICLE 2 - Purpose

It is the purpose of this ordinance to regulate the sale, possession and use of drug paraphernalia within the Town of Fair Haven in order to promote the public health, safety and welfare throughout the Town of Fair Haven.

ARTICLE 3 - Definitions

As used in this ordinance drug paraphernalia is defined as:

1. Any object, whether it be commercially manufactured or homemade, specifically designed for the administration and/or consumption of marijuana, hashish, cocaine, crack cocaine, methamphetamine based drugs, heroine, morphine and any other controlled drug as defined by Vermont Health Regulations in Title 18 VSA Chapter 84 as amended from time to time.
2. Drug paraphernalia shall also include syringes with needles and tourniquets commonly used to reduce blood flow in a limb to facilitate the injection of a controlled substance into a vein.

ARTICLE 4 - Prohibited Conduct

- A No person shall sell or offer for sale drug paraphernalia
- B. No person shall use drug paraphernalia for the administration of a regulated drug
- C. No person shall possess drug paraphernalia

ARTICLE 5 - Exception

Possession of syringes and needles shall not be deemed a violation of this ordinance if evidence is presented, to the enforcement officer, which **reasonably** shows that the person in possession of the

syringe and needle has a legitimate medically based need to be in possession of syringes with needles

ARTICLE 6 - Penalties

1. A person who violates the provision of this ordinance shall be fined:

Civil Penalty	Waiver Penalty
\$200	\$100

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the waiver fee within 20 days of issuance of the municipal complaint.

The waiver penalty may double if not paid within 20 days of issuance of the municipal complaint.

2. Failure to Respond to Vermont Municipal Complaint

Any Vermont Municipal Complaint ticket not answered within 20 days of issue by notifying the Judicial Bureau that you admit, not contest or deny the allegation(s) in th Complaint shall be subject to a failure to answer fee as established by the Judicial Bureau. The additional fee may be added to the Waiver Penalty amount shown on the front of the Complaint.

3 Penalties, Fees, Collection

Any Vermont Municipal Complaint not answered shall be subject to the penalties, fees and collection methods as established by the Vermont Judicial Bureau.

ARTICLE 7 - Enforcement

Enforcement officials shall include any officer from the Fair Haven Municipal Police Department and/or any properly certified Town of Fair Haven Constable who shall issue and pursue before the Judicial Bureau a municipal complaint for violation of this ordinance.

ARTICLE 8 - Repeal

Any other ordinance, amendment or regulation relating to drug paraphernalia is hereby repealed.

ARTICLE 9 - Separability

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

ARTICLE 10 - Amendments

This ordinance may be amended by a majority vote of the Board of Selectmen at any duly constituted meeting in accordance with 24 VSA Section 1972.

ARTICLE 11 - Effective Date

This ordinance shall become effective 60 days after its adoption by the Fair Haven Select Board unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 VS.A. § 1973.

If a petition is filed under 24 VS.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 20 day of April 2010 By the Fair Haven Board of Select

Ronald Adams
Ron Adams, Chair

Ray Banker
Ray Banker

Julie Ellis
Julie Ellis

Jeff Sheldon
Jeff Sheldon

Claire L. Stanley
Claire Stanley