

ALLENDALE CHARTER TOWNSHIP
DRUG PARAPHERNALIA ORDINANCE

Ordinance 2001-1

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Name. This Ordinance shall be known and may be cited as the "Allendale Charter Township Drug Paraphernalia Ordinance."

Section 2. Definition. For purpose of this Ordinance, paraphernalia shall mean any equipment, product, material, or combination of equipment, products or materials, which is specifically 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 as defined by the Michigan public health code or the laws of the State of Michigan including, but not limited to, all of the following

- (1) An isomerization device specifically designed for use in increasing the potency of any species of plant that is a controlled substance.
- (2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness or purity of a controlled substance.
- (3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.
- (4) A diluent or adulterant including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.

- (5) A separation gin or sifter specifically designed for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana.
- (6) An object specifically designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body.
- (7) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (8) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (9) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.
- (10) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.
- (11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.
- (12) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including but not limited to a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.
- (13) A spoon, with or without a chain attached, that has a small-diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

Section 3. Prohibited Use. It shall be unlawful for any person to:

- (1) Use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug or controlled substance in violation of the state public health code or the laws of the state.

- (2) Deliver or possess with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it would be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a drug or controlled substance in violation of the state public health code or the laws of the state.
- (3) Place in any newspaper, magazine, handbill, or other publication 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.

Section 4. Exceptions. The prohibitions in this Ordinance shall not apply to the following:

- (1) An object sold or offered for sale to a person licensed under article 15 or under the occupational code, Public Act No. 299 of 1980 (MCL 339.101 et seq., MSA 18.425(101) et seq.), or any intern, trainee, apprentice, or assistant in a profession licensed under article 15 or under Public Act No. 299 of 1980 (MCL 339.101 et seq., MSA 18.425(101) et seq.) for use in that profession.
- (2) An object sold or offered for sale to any hospital, sanitarium, clinical laboratory or other health care institution, including a penal, correctional, or juvenile detention facility, for use in that institution.
- (3) An object sold or offered for sale to a dealer in medical, dental, surgical, or pharmaceutical supplies.
- (4) Equipment, a product or materials which may be used in the preparation or smoking of tobacco or smoking herbs other than a controlled substance.
- (5) A blender, bowl, container, spoon, or mixing device not specifically designed for a use described in section 3.
- (6) A hypodermic syringe or needle sold or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.
- (7) An object sold, offered for sale, or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

Section 5. Severability. This Ordinance and the various parts, sections, and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 6. Violation and Penalties. Any person violating any provision of this Ordinance upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both such fine and imprisonment in the discretion of the Court.

Section 7. Repeal. All resolutions, ordinances, orders, or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent, of such a conflict, hereby repealed.

Section 8. Administrative Liability. No officer, agent, or employee of the Township or member of the Township Board, shall render themselves personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of their duties and responsibilities pursuant to this Ordinance.

Section 9. Effective Date. This Ordinance was approved and adopted by the Township Board on January 8, 2001, after introduction and a first reading on Dec. 19, 2000, and publication after such reading as is required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on January 17, 2001.