

ADMENDMENT TO ORDINANCE #141: POLICE AND PUBLIC SAFETY ACT.

At a regular meeting of the Concord Village Council held on the 28th day of October, 1986 in the Concord Village Hall, The Village of Concord ordained that Ordinance #141: Police and Public Safety Act be admended to add Section 2.17 to prohibit the manufacture, advertisement, possession, possession with intent to deliver, and/or delivery of drug paraphernalia.

DEFINITION: (1). The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Public Health Code of State of Michigan. It includes, but is not limited to:

- (a). Kits, used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (b). Kits, used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (c). Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (d). Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
- (e). Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (f). Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (g). Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;
- (h). Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (i). Capsules, ballons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (j). Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (k). Hypodermic syringes, needles and other objects, used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (l). Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil 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). In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a). Statements by an owner or by anyone in control of the object concerning its use;
- (b). Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal Law relating to any controlled substance;
- (c). The proximity of the object, in time and space, to a direct violation of this Ordinance;
- (d). The existence of the object with controlled substances;
- (e). The existence of any residue of controlled substances on the object;
- (f). Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons he knows, or should reasonably know, intend to use the object to facilitate a violation of this Ordinance; the innocence or an owner, or of anyone in control of the object, as to a direct violation of this Act should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- (g). Instructions, oral or written, provided with the object concerning its use;
- (h). Descriptive material accompanying the object which explain or depict its use;
- (i). National and local advertising concerning its use;
- (j). The manner in which the object is displayed for sale;
- (k). Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (l). Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (m). The existence and scope of legitimate uses for the object in the community;
- (n). Expert testimony concerning its use.

OFFENSES: (1). Possession of Drug Paraphernalia. It is unlawful for any person to use, or to 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 controlled substance.

(2). Manufacture, Sale or Delivery of Drug Paraphernalia. It is unlawful for any person to sell, deliver, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will 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 controlled substance.

(3). Advertisement of Drug Paraphernalia. It is unlawful to any person to 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 any objects designed or intended for use as drug paraphernalia.

EXCEPTIONS: This Ordinance shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

CIVIL FORFEITURE: Any drug paraphernalia used, sold, possessed with intent to use, sell, or deliver, or manufactured with the intent to use, sell, or deliver, in violation of this ordinance, shall be seized and forfeited to the Village of Concord.

EFFECTIVE DATE: This Admendment shall take effect on December 1, 1986, or such date thereafter following 20 days after publication in the Parma News.

Members Present: Tom Cecil, Glenn Miller, Joyce Hakes, Mike Lovitt,
Larry Murdock and Leland Whiting.

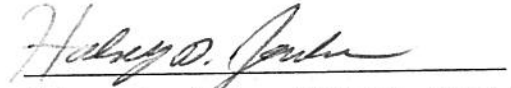
Members Absent: None

Ayes: Six.

Nays: None.

ADOPTED this 28th day of October 1986.

EFFECTIVE DATE: December 1, 1986.

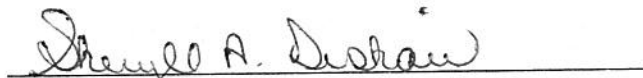


Halsey D. Jenks, Village President



Sheryll A. Dishaw, Village Clerk

ATTESTED AND CERTIFIED TO BE A TRUE COPY:



Sheryll A. Dishaw, Village Clerk