

**ERIE TOWNSHIP DRUG PARAPHERNALIA ORDINANCE**

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945 as amended, in order to regulate the unlicensed sale, dispensation, or possession of drug paraphernalia used, designed, marketed, or intended for use with controlled substances; to provide penalties for the violation thereof, and to repeal all ordinances or parts of ordinances in conflict therewith to provide for the public health, safety, and general welfare of the persons and property of the Township of Erie.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and referred to as the “Erie Township Drug Paraphernalia Ordinance.”

SECTION 2. PURPOSE.

This Ordinance is enacted for the purpose of protecting public health, safety, and general welfare of the persons and property within Erie Township pursuant to the authority granted to the Township in Act 246 of the Public Acts of 1945, as amended, by prohibiting the sale, dispensation, or possession of drug paraphernalia used, designed, marketed, or intended for use with controlled substances or substances without an appropriate license from the State of Michigan within Erie Township and to provide penalties for the violation thereof.

SECTION 3. DEFINITIONS.

A. Drug Paraphernalia - As used in this Ordinance, “drug paraphernalia” means 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 inducing into the human body a controlled substance, 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 which plant 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 dilutant 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 or seeds from, or in otherwise cleaning or refining marijuana;

(6) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, 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 the 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 is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

B. Controlled Substance - As used in this Ordinance, "controlled substance" has the same definition as is set forth in the "Controlled Substance Act of the State of Michigan" found at MCL §333.701, et seq., as amended.

C. Used, designed, marketed, or intended for use with a controlled substance. As used in this Ordinance, “used, designed, marketed, or intended for use with a controlled substance,” means that at the time the drug paraphernalia is sold, displayed, possessed, or otherwise dispensed, the drug paraphernalia either:

(1) Was primarily designed, adapted, or marketed because of its objective physical features for use with a controlled substance; or

(2) Was intended by the party selling, possessing, or dispensing the same for use with a controlled substance.

#### SECTION 4. VIOLATION.

A. Unlawful Activity. No person shall sell, offer for sale, display, furnish, supply, give away, or possess any drug paraphernalia, as defined herein.

B. Exceptions. The prohibitions and restrictions set forth in subsection (A) hereof regarding selling, offering for sale, displaying, furnishing, supplying, possessing, or giving away any drug paraphernalia shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, licensed medical doctors or osteopathic physicians, clinical laboratories, or embalmers, in the normal course of their respective businesses or professions, nor to persons suffering from diabetes, asthma, or any other medical conditions requiring self-injection, or any other person who is lawfully licensed by the State of Michigan to engage in the activities herein provided.

#### SECTION 5. PENALTIES.

Any person who violates this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00, and/or imprisonment in a county jail for a period not to exceed 93 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition, as an alternate remedy, the Township shall have the authority to proceed in any court of competent jurisdiction to obtain an injunction, restraining order, or other appropriate remedy to compel compliance with the Ordinance. Election of one of the foregoing remedies shall not preclude the application of the other remedy.

#### SECTION 6. PUBLICATION.

The Erie Township Clerk shall publish this Ordinance in the manner required by law and a complete copy of the Ordinance is available at the office of the Township Clerk for inspection by the public at all times.

SECTION 7. REPEALED.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

SECTION 8. SEVERABILITY.

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance in each part, sentence, paragraph, section, subsection, phrase, or clause thereof, irrespective of the fact that either one or more parts, sentences, paragraphs, sections, subsections, phrases, or clauses are declared invalid.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective on the 31<sup>st</sup> day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor



I, Gayle A. Burlen, do hereby certify that this Ordinance or a summary thereof, was published on the 5th day of July, 2001, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: July 6, 2001

Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

ADOPTED: June 12, 2001

PUBLISHED: July 5, 2001

EFFECTIVE: August 5, 2001

**ORDINANCE NO. 106-A**

**AMENDMENT TO ERIE TOWNSHIP DRUG PARAPHERNALIA ORDINANCE**

An Ordinance made pursuant to the authority granted in Act No. 246 of the Public Acts of 1945 as amended, to amend Erie Township Ordinance No. 106; to amend the penalty provision for the unlicensed sale, dispensation, or possession of drug paraphernalia; and to repeal all ordinances or parts of ordinances in conflict therewith to provide for the public health, safety, and general welfare of the persons and property of the Township of Erie.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT**

Section 5 set forth in the Erie Township Drug Paraphernalia Ordinance No. 106 adopted June 12, 2001, is hereby deleted in its entirety and the following language is hereby substituted in its place, such that the new Section 5 shall hereafter read as follows:

“SECTION 5. PENALTIES.

Any person who violates this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00, and/or imprisonment in a county jail for a period of not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition, as an alternate remedy, the Township shall have the authority to proceed in any court of competent jurisdiction to obtain an injunction, restraining order, or other appropriate remedy to compel compliance with the Ordinance. Election of one of the foregoing remedies shall not preclude the application of the other remedy.”

**SECTION 2. PRIOR INCONSISTENT ORDINANCE.**

All prior ordinances or parts of ordinances adopted by Erie Township in conflict with this Ordinance are to the extent of such conflict, repealed.

**SECTION 3. SEVERABILITY.**

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of the Ordinance shall not be affected.

SECTION 4. PUBLICATION.

The Erie Township Clerk shall publish this Ordinance in the manner required by law and a complete copy of the Ordinance be made available at the office of the Township Clerk for inspection by the public at all times.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective on the 31<sup>st</sup> day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 14 day of May, 2002.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor:

<u>Bonkoski</u>	<u>Baum</u>
<u>Burlen</u>	<u>Gordy</u>



	<u>LaPlante</u>	
Voting Against:	<u>0</u>	
Abstained:	<u>0</u>	
Absent:	<u>0</u>	

I, Gayle A. Burlen, do hereby certify that this Ordinance or a summary thereof, was published on the 8th day of June, 2002, in the The Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: June 8, 2002

Gayle A. Burlen  
 Gayle A. Burlen,  
 Erie Township Clerk

ATTEST:

Daniel J. Bonkoski  
 Daniel J. Bonkoski,  
 Erie Township Supervisor

ADOPTED: May 14, 2002  
 PUBLISHED: June 8, 2002  
 EFFECTIVE: July 9, 2002

ERIE TOWNSHIP ORDINANCE NO. 106-B  
AMENDMENT TO ERIE TOWNSHIP DRUG PARAPHERNALIA ORDINANCE

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945 as amended, to amend Erie Township Ordinance No. 106, commonly known as "Erie Township Drug Paraphernalia Ordinance"; to change the penalty provisions for a violation of this Ordinance from a misdemeanor to a municipal civil infraction; and to generally provide for the public health, safety, and general welfare of the persons and property of Erie Township; and to repeal all Ordinances or parts of Ordinances in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE,  
STATE OF MICHIGAN, ORDAINS:

Section 1: Amendment to Section 5 of Ordinance No. 106.

Section 5 of Erie Township Ordinance No. 106, as amended, is hereby deleted and replaced with a new Section 5, such that the new Section 5 shall hereafter read as follows:

Section 5. Penalties.

Any person, firm, corporation, partnership, or other organization or entity, or anyone acting on behalf of said person, firm, corporation, partnership, or other organization or entity who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined by Michigan law, and subject to a civil fine determined in accordance with the following schedule:

First violation within a three-year period*:	\$ 300.00
Second violation within a three-year period*:	\$ 400.00
Third violation within a three-year period*:	\$ 500.00

(\*Determined on the basis of the date of the violation(s).)

A violation of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

Section 2. Prior and Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 3. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, or clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby directed that the remainder of the Ordinance shall not be affected.

Section 4. Publication.

The Erie Township Clerk shall publish this Ordinance in the manner required by law and a complete copy of the Ordinance shall be made available at the office of the Township Clerk for inspection by the public at all times.

Section 5. Effective Date.

This Ordinance shall become effective on the 31<sup>st</sup> day after it or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 25th day of November, 2002.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor:

Daniel Bonkoski

Cynthia Baum

Denise B. Gordy

Gayle A. Burlen

Diane LaPlante

Voting Against:

0

Abstained:


0

Absent:

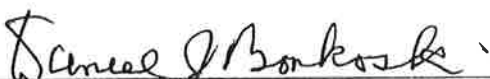
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I, Gayle A. Burlen, do hereby certify that this Ordinance or a summary thereof, was published on the 26th day of November, 2002, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: November 26, 2002

  
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Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

  
\_\_\_\_\_  
Daniel J. Bonkoski,  
Erie Township Supervisor

ADOPTED: 11-25-2002  
PUBLISHED: 11-26-2002  
EFFECTIVE: 12-27-2002