



**PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE NO. 2022-09**

**AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE VII, DIVISION 2. DRUG
PARAPHERNALIA, SECTION 22-231 DEFINITIONS**

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township offices on August 8, 2022 beginning at 6 p.m., the following Ordinance was offered for adoption by Township Board Member Pfaff, and was seconded by Township Board Member Hagedorn:

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

1. Amendment of Chapter 22, Article VII, Section 22-231, Definitions. That Chapter 22, Article VII, Section 22-231 of the Code of Ordinances, Charter Township of Plainfield, Kent County, Michigan, is hereby amended to read as follows:

Sec. 22-231. Definition.

- (a) The term "drug paraphernalia" shall mean all equipment, products and materials of any kind which are used, intended for use, or 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 provided for in article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.) It includes, but is not limited to:
- (1) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - (2) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substance.
 - (3) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substance.
 - (4) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
 - (5) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body where medical uses are not a factor.

- (6) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine, methamphetamine, heroin, cocaine, crack cocaine, PCP, and all other controlled substances into the human body, such as:
- a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Miniature cocaine spoons, and cocaine vials.
 - f. Chamber pipe.
 - g. Carburetor pipes.
 - h. Electric pipes.
 - i. Air-driven pipe.
 - j. Chillums.
 - k. Bongs.
 - l. Ice pipes or chillers.
 - m. A pipe with a bulb end commonly used to smoke methamphetamine.
 - n. A short glass pipe commonly used to smoke methamphetamine, crack cocaine, PCP, and other illegal drugs.
 - o. Any device with drug residue determined to be used for ingesting an illegal substance.
- (7) Multiple objects found together that are used, or intended to be used for drug use and/or manufacturing, such as:
- a. Multiple empty "blister packs" from Sudafed or similar pseudoephedrine/ephedrine drugs used for manufacturing methamphetamine.
 - b. Lithium.
 - c. Lye.
 - d. Hydrogen peroxide.
 - e. Antifreeze.
 - f. Drain cleaner.
 - g. Freon.
 - h. Coffee filters.
 - i. Rubber hoses.
 - j. Empty soda bottles.
 - k. Funnels.
 - l. Cotton balls.
 - m. Spoons.
 - n. Tie off.
 - o. Butane torches.
 - p. Aluminum foil.

- q. Char boy.
- (8) Packaging that has been used, or intended for drug use, such as:
 - a. Zip lock baggies.
 - b. Dealer end baggies.
 - c. User end baggies.
 - d. Used heroin bindles.
 - e. Bags or containers containing drug residue.
 - f. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
 - g. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- (b) 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:
 - (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) 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.
 - (3) The proximity of the object, in time and space, to a direct violation of this division.
 - (4) The proximity of the object to controlled substances.
 - (5) The existence of any residue of controlled substances on the object.
 - (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this division; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this division shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
 - (7) Instructions, oral or written, provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning its use.
 - (10) The manner in which the object is displayed for sale.
 - (11) 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.
 - (12) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
 - (13) The existence and scope of legitimate uses for the object in the community.
 - (14) Expert testimony concerning its use.
 - (15) Experience and training of the law enforcement officer as it relates to knowledge of drug paraphernalia, laws related to drugs, drug seizures and arrests.

2. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation.

Yeas: Pfaff, Morrow, Brinkman, Batey, Hagedorn, Postmus, Coleman

Nays: None

Absent: None

Ordinance No. 2022-09 declared adopted.

A handwritten signature in cursive script, reading "Cathleen Postmus", written over a horizontal line.

Cathleen Postmus

Plainfield Charter Township Clerk