



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1378**

An ordinance to remove hypodermic syringes and needles from being classified or defined as drug paraphernalia

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That section **74-211 Definitions** of the Ypsilanti City Code is hereby amended to remove hypodermic syringes and needles from being classified and defined as drug paraphernalia and to read as follows:

Sec. 74-211. - Definitions.

(a) The term "controlled substance" shall be defined as provided for in part [71](#) of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq.), as amended.

(b) The term "drug paraphernalia" means any equipment, except hypodermic syringes and needles, or any 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, as provided by MCL 333.7457 to 333,7455, but including products, and materials, or a 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, 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 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 marijuana.

(6) An object specifically designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Smoking and carburetion masks;

d. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

e. Miniature straws, cocaine spoons, and cocaine vials;

f. Chamber pipes;

g. Carburetor pipes;

h. Miniature lockets, rings, or vials designed, marketed, or used for the storing of controlled substances.

(7) 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.

(8) A device commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substance to the user.

(9) A device commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.

(10) 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.

(11) 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.

(12) Blenders, bowls, containers, spoons, and mixing devices used intended for use, or designed for use in compounding controlled substances.

(13) Capsules, balloons, envelopes, and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

(14) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(c) 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 the 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 substances;
 - (3) The proximity of the object, in time and space, to a direct violation of the state law;
 - (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 the 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 state or local law or of this subdivision; the innocence of an owner, or of anyone in control of the object, as to a direct violation of state, local law or 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 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.
- (Code 1983, § 9.521)

2. Severability. If any clause, sentence, section, paragraph, or part of this

ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 14th DAY OF September, 2021.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1378 was published in The Washtenaw Legal News on the 23rd day of September

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 14th day of September, 2021.

Andrew Hellenga, City Clerk

Notice Published: July 26, 2021

First Reading: August 17, 2021

Second Reading: September 14, 2021

Published: September 23, 2021

Effective Date: October 14, 2021