

**VILLAGE OF MATTAWAN**  
**NONCONTROLLED SUBSTANCE ORDINANCE**  
**Ordinance No. 59**

**THE VILLAGE OF MATTAWAN ORDAINS;**

It is unlawful for any person to knowingly deliver or attempt to deliver a noncontrolled substance upon either:

- A. The express or implied representation that the substance is a narcotic or a non-narcotic controlled substance; or
- B. The express or implied representation that the substance is of such nature that the recipient of said delivery would be able to distribute said substance as a controlled substance;
- C. It is prima facie evidence of the implied representation referred to in Paragraphs A and B if either of the two following factors are established:
  - 1. The noncontrolled substance was packaged or presented in such a manner normally used for the illegal delivery of controlled substances;
  - 2. The delivery or attempted delivery included and exchange of or demand for money or other valuable property as consideration for delivery of The substance, and the amount of such consideration was substantially in excess of the actual or reasonable value of the noncontrolled substance.

In any prosecution for unlawful delivery of a noncontrolled substance, it is no defense that the accused believed the noncontrolled substance to actually be a controlled substance.

Unlawful delivery of a noncontrolled substance is a misdemeanor.

**PENALTY**

Any person convicted of violating or assisting in the violation of any provision of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) and costs of prosecution or by imprisonment in the County Jail for not more than ninety (90) days, or both at the discretion of the Court. Each violation and every day upon which such violation shall occur shall be a separate offense. (Ord. No. 59, eff. 7-26-1982, amended by Ord. No. 114, eff. 1-3-1992)

Effective date: July 26, 1982