

CHARTER TOWNSHIP OF BLOOMFIELD

ORDINANCE NO. 658

AN ORDINANCE TO AMEND CHAPTER 22, OFFENSES, ARTICLE VI, OFFENSES AGAINST PUBLIC MORALS, SECTION 22-222; ARTICLE IX, MEDICAL MARIHUANA, SECTIONS 22.405 TO 22-500; AND ARTICLE X, RECREATIONAL MARIHUANA, SECTIONS 22-525 TO 22-550.

THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 22, Offenses, Article VI, Offenses Against Public Morals, Section 22-222, Possession of drug paraphernalia, of the Charter Township of Bloomfield Code of Ordinances is hereby amended as follows.

Sec. 22-222. Possession of drug paraphernalia.

- (a) *Prohibited.* It is unlawful for any person to use, or to possess, 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.
- (b) *Exceptions.* This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractists, 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; nor to a person over the age of 21 possessing or using marihuana accessories as permitted by State law.
- (c) *Seizure.* Any drug paraphernalia used or possessed in violation of this section shall be seized and forfeited to the township or the seizing agency.

Section 2 of Ordinance

Chapter 22, Offenses, Article IX, Medical Marihuana, Sections 22-405 to 22-500 of the Charter Township of Bloomfield Code of Ordinances is hereby amended to read as follows.

Sec. 22-505 - 22-524. Reserved.

Section 3 of Ordinance

Chapter 22, Offenses, is hereby amended to add Article X, Recreational Marihuana, Sections 22-525 to 22-550 as follows.

ARTICLE X - RECREATIONAL MARIHUANA

Section 22-525. Definitions.

As used in this Chapter, the following words and terms consistent with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, shall apply:

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

Marihuana means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. As used in this Chapter, marihuana does not include:

- (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) industrial hemp; or
- (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana accessories 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, ingesting, injecting, inhaling, or otherwise introducing marihuana into the human body.

Marihuana concentrate means the resin extracted from any part of the plant of the genus *cannabis*.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

Person means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Process or Processing means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

Public place means any street, alley, sidewalk, park, school, public building, or any place of business or assembly, parking lot, parking area, or any other premises open to the public or frequented by the public.

Sec. 22-526. Possession, purchase, or transport.

- (a) *Marihuana.* A person shall not possess, purchase, or transport more than 2.5 ounces of marihuana, of which not more than 15 grams shall be in the form of marihuana concentrate, except as permitted by a validly issued license pursuant to the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101; or the Michigan Regulations and Taxation of Marihuana Act, MCL 333.27951; or as permitted within a person's residence pursuant to Section 22-527.
- (b) *Marihuana concentrate.* A person shall not possess more than 15 grams of marihuana concentrate except as permitted by a validly issued license pursuant the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101; or the Michigan Regulations and Taxation of Marihuana Act, MCL 333.27951; or as permitted within a person's residence.
- (c) *Penalties.* A person who violates this section is subject to the following penalties:
 - (i) *More than 2.5 ounces or 15 grams.* A person who possesses, purchases, or transports more than 2.5 ounces of marihuana and/ or more than 15 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
 - (ii) *More than 5.0 ounces or 30 grams.* A person who possesses, purchases, or transports more than 5.0 ounces of marihuana and/or more than 30 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 22-527. Possess and/or store at residence.

- (a) *Possession within a person's residence.* Within the person's residence, a person shall not possess more than 2.5 ounces of marihuana, except in compliance with subsection (b) below.

- (b) *Storing within a person's residence.* Within the person's residence, a person shall not store more than 10 ounces of marihuana, which marihuana shall be stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- (c) *Penalties.* A person who violates this section is subject to the following penalties:
 - (i) *Possess more than 2.5 ounces; store more than 10 ounces.* A person who possesses more than 2.5 ounces of marihuana, stores more than 10 ounces of marihuana, or fails to store marihuana in compliance with this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
 - (ii) *Possess more than 5.0 ounces; store more than 20 ounces.* A person who possesses more than 5.0 ounces of marihuana, stores more than 20 ounces of marihuana, or fails to store marihuana in compliance with this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 22-528. Cultivation within residence.

- (a) *Cultivation within a person's residence.* Within the person's residence, a person shall not cultivate more than 12 marihuana plants for personal use.
- (b) *Location of cultivation.* Within the curtilage of a residence, a person shall not cultivate marihuana plants that are visible from a public place without the use of binoculars, aircraft, or other optical aids; and shall not cultivate marihuana outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- (c) *Penalties.* A person who violates this section is subject to the following penalties:
 - (i) *Cultivation of more than 12 plants.* A person who cultivates more than 12 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
 - (ii) *Cultivation of more than 24 plants.* A person who cultivates more than 24 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 22-529. Process marihuana within residence.

- (a) *Processing within a person's residence.* Within the person's residence, a person shall not process more than 10 ounces of marihuana and/or shall not process marihuana from more than 12 marihuana plants cultivated on the premises at once.
- (b) *Penalties.* A person who violates this section is subject to the following penalties:
 - (i) *Process more than 10 ounces/12 plants.* A person who processes more than 10 ounces of marihuana and/or processes marihuana from more than 12 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
 - (ii) *Process more than 10 ounces/24 plants.* A person who processes more than 20 ounces of marihuana and/or processes marihuana from more than 24 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 22-530. Transfer and/or deliver to another person.

- (a) *Transfer and/or deliver.* A person shall not transfer, give away, or deliver marihuana except in compliance with all of the following:
 - (1) The transfer and/or delivery is without remuneration.
 - (2) The amount of marihuana transferred or delivered does not exceed 2.5 ounces of marihuana, of which not more than 15 grams are in the form of marihuana concentrate.
 - (3) The transferee is a person 21 years of age or older.
 - (4) The transfer and/or delivery is not advertised or promoted to the public.
- (b) *Penalties.* A person who violates this section is subject to the following penalties:
 - (i) *More than 2.5 ounces and/or 15 grams.* A person who transfers or delivers more than 2.5 ounces of marihuana and/or more than 15 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
 - (ii) *More than 2.5 ounces and/or 30 grams.* A person who transfers or delivers more than 2.5 ounces of marihuana and/or more than 30 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.
 - (iii) *Transfer to a person under 21 years of age.* A person who transfers or delivers marihuana to a person under 21 years of age is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 22-531. Separation of plant resin.

- (a) *Plant resin separation.* A person shall not separate plant resin by butane extraction or any other method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure.
- (b) *Penalty.* A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 22-532. Consumption in a public place.

- (a) *Consume in public.* A person shall not smoke; inhale; ingest; chew; snort; sniff or otherwise consume marihuana in any public place.
- (b) *Penalty.* A person who violates this section is responsible for a civil infraction and may be punished by a fine of not more than \$100..

Sec. 22-533. Smoking on property prohibited by owner, occupant, or manager.

- (a) *Smoking prohibited.* A person shall not smoke marihuana on any property where the property owner, occupant, or manager has prohibited smoking of marihuana on the property.
- (b) *Penalty.* A person who violates this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.

Sec. 22-534. Prohibited on school grounds; in a school bus.

- (a) *On school grounds.* A person shall not possess marihuana, marihuana accessories, or consume marihuana on the grounds of a public or private school where children attend classes for any preschool, kindergarten, and/or grade 1-12 program.
- (b) *In a bus.* A person shall not possess marihuana, marihuana accessories, or consume marihuana in a school bus.
- (c) *Penalty.* A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 22-535. Consumption while operating; or within passenger area.

- (a) *While operating.* A person shall not consume marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, recreational vehicle, off-road recreational vehicle, or watercraft or motorboat.
- (b) *While in passenger compartment.* A person shall not smoke marihuana within the passenger area of a vehicle upon a public way.

