

**CITY OF ROMULUS
ORDINANCE NO. 2019-004**

AN ORDINANCE TO RESTATE THE CITY OF ROMULUS CONTROLLED SUBSTANCES ORDINANCE TO PROVIDE FOR EXCEPTIONS FOR MEDICAL AND RECREATIONAL MARIHUANA AND TO OPT-OUT OF MARIHUANA ESTABLISHMENTS.

THIS IS A BRIEF SUMMARY OF THE ORDINANCE

THE CITY OF ROMULUS ORDAINS:

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DIVISION 4. - CONTROLLED SUBSTANCES

Subdivision I. - Generally

Sec. 36-269. - Possession or use of marihuana.

- (a) It shall be unlawful for any person to knowingly or intentionally possess marihuana except as permitted by the provisions of Michigan Medical Marihuana Act (MCL 333.26421 et seq.) And the Michigan Regulation and Taxation of Marihuana Act as may be amended.
- (b) Cultivation of marihuana by a qualifying patient as defined in MCL 333.26423 and by individuals 21 year of age and older under the Michigan Regulation and Taxation of Marihuana Act shall be permitted only in RE, R-1A, R-1B, R-2, R-M or HRM zoning districts in single-family detached dwellings which are owned or rented and occupied by the qualifying patient or recreational user for their residential use.
- (c) Cultivation of marihuana by a primary caregiver as defined in MCL 333.26423 shall be permitted only in RE, R-1A, R-1B, R-2, R-M or HRM zoning districts in single-family detached dwellings which are owned or rented and occupied by such persons for their residential use or his/her qualifying patients, residential use, to whom they are connected through registration with the Michigan Department of Licensing and Regulatory Affairs.
- (d) No changes.
- (e) It shall be unlawful for any person, facility, or business located in the City of Romulus to operate any marihuana establishment as permitted in section 6.1 of the Michigan Regulation and Taxation of Marihuana Act as the City hereby completely prohibits such establishments from locating within the boundaries of the City.
- (f) It shall be unlawful for any person to use or possess marihuana except as authorized by the provisions of the Michigan Medical Marihuana Act (as may be amended et seq.) and the Michigan Regulation and Taxation of Marihuana Act (as may be amended).

Sec. 36-291. - Possession.

It is unlawful for any person to use or to possess with intent to use, marihuana accessories or drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, processes, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance except as specifically permitted in the Michigan Regulation and Taxation of Marihuana Act or the Michigan Medical Marihuana Act.

Sec. 36-292. - Manufacture, delivery or sale.

- (a) It is unlawful for any reason to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, marihuana accessories or drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance except as specifically permitted in the Michigan Regulation and Taxation of Marihuana Act or the Michigan Medical Marihuana Act.
- (b) Before a person is arrested for a violation of subsection (a) of this section, the city attorney shall notify the person in writing, not less than two business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the city attorney to be marihuana accessories or drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of subsection (a) of this section.

Sec. 36-295. - Civil forfeiture.

Any marihuana accessories or drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this subdivision shall be seized and forfeited to the city.

Sec. 36-296. - Penalties

A person who commits any of the following acts, and is not otherwise authorized by the Act to conduct such activities may be punished only as provided in this section.

- (a) Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h) of the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"), a person who possesses not more than the amount of marihuana allowed by section 5 of the MRTMA, cultivates not more than the amount of marihuana allowed by section 5 of the MRTMA, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5 of the MRTMA, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5 of the MRTMA, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
- (b) Except for a person who engaged in conduct described in section 4 of the MRTMA, a person who possesses not more than twice the amount of marihuana allowed by section 5 of the MRTMA, cultivates not more than twice the amount of marihuana allowed by section 5 of the MRTMA, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5 of the MRTMA, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5 of the MRTMA:
 - (1) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
 - (2) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
 - (3) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$500 and forfeiture of the marihuana.
- (c) Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g) of the MRTMA, a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
 - (1) for a first violation, is responsible for a civil infraction and may be punished as follows:
 - (a) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
 - (b) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
 - (2) for a second violation, is responsible for a civil infraction and may be punished as follows:
 - (a) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
 - (b) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.
- (d) Except for a person who engaged in conduct described in section 4 of the MRTMA, a person who possesses more than twice the amount of marihuana allowed by section 5 of the MRTMA, cultivates more than twice the amount of marihuana allowed by section 5 of the MRTMA, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5 of the MRTMA, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.
- (e) All other violations of this Chapter 36 shall be a misdemeanor offense subject to a fine of not more than \$500 and forfeiture of the marihuana or paraphernalia.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Romulus this 28th day of May, 2019.

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Romulus at a regular Council Meeting held in the City Council Room in said City on the 28th day of May, 2019.

I further certify that the foregoing was published in The Eagle, a newspaper of general circulation in the City of Romulus, on the 13th day of June, 2019.

ELLEN L. CRAIG-BRAGG, CMC, City Clerk

Within forty-five (45) days after publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by not less than six percent (6%) of the registered electors registered at the last preceding election at which a Mayor of the City was elected. Said ordinance shall thereupon and thereby be suspended from operation and the Council shall immediately reconsider such ordinance.

Introduced: 05-13-19
Second Reading: 05-28-19
Published/Effective: 06-13-19