

**TOWNSHIP OF BLOOMFIELD  
COUNTY OF OAKLAND, STATE OF MICHIGAN  
ORDINANCE NO. 655**

**ADOPTED: November 26, 2018**

**EFFECTIVE: December 2, 2018**

**PROHIBITION OF MARIHUANA ESTABLISHMENTS  
AND FACILITIES ORDINANCE**

An ordinance to add an Article IX to Chapter 10, Building and Building Regulations, to be known as the Prohibition of Marihuana Establishments and Facilities ordinance, providing a title for the ordinance; definition of words; the prohibition of marihuana establishments within the boundaries of Bloomfield Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL (to be determined) *et seq.*, as may be amended; providing penalties for violation of the ordinance; providing for severability; repealing all ordinances or parts of ordinances in conflict therewith; and providing an effective date.

Bloomfield Township declares this ordinance to be an emergency ordinance, pursuant to MCL 42.20, as the recently voter approved Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL (to be determined) *et seq.*, may be interpreted as requiring municipalities to opt out of the Act within 10 days of the election certification which will occur before a second reading can be accomplished.

The Charter Township of Bloomfield ordains:

Section 1. Amend Chapter 10, Building and Building Regulations, to add Article IX to read as follows:

**“ARTICLE IX. - PROHIBITION OF MARIHUANA ESTABLISHMENTS  
AND FACILITIES**

**Sec. 10-301 - Title**

This ordinance shall be known as and may be cited as the Bloomfield Township Prohibition of Marihuana Establishments and Facilities Ordinance.

**Sec. 10-302 - Definitions**

As used in this Ordinance:

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

(b) "Department" means the Michigan Department of Licensing and Regulatory Affairs.

(c) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

(d) "Licensee" means a person holding a state license.

(e) "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. For purposes of this act, 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.

(f) "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, inhaling, or otherwise introducing marihuana into the human body.

(g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

(h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

(i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(j) "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.

(k) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(l) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(p) "Michigan Medical Marihuana Facilities Licensing Act" means P.A.2016, NO. 281, as amended, MCL §333.27101, *et seq.*

(q) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.

(r) "Municipality" means a city, village, or township.

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

(t) "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.

(u) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

(v) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

### **Sec. 10-303 - No Marihuana Establishments**

Bloomfield Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL (to be determined) *et seq.*, as may be amended.

### **Sec. 10-304 - No Medical Marihuana Facilities**

Pursuant to Section 205 of the Michigan Medical Marihuana Facilities Licensing Act (MCL §333.27205) the Township may adopt an ordinance to authorize 1 or more types of marihuana facilities within its boundaries and may limit the number of each type of marihuana facility. Pursuant to this authority, the Township has refused to adopt an ordinance to authorize 1 or more types of marihuana facilities within its boundaries. The Township, therefore, specifically prohibits any type of facility described in the Michigan Medical Marihuana Facilities Licensing Act, including but not limited to, “Medical Marijuana Growing Facilities” “Medical Marijuana Processing Facilities,” “Medical Marijuana Provisioning Centers,” “Medical Marijuana Safety Compliance Facilities,” and “Medical Marijuana Secure Transport Facilities.”

### **Sec. 10-305 – Violations and Penalties**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.”

Section 2. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

Should any section, clause or phrase of this ordinance be declared by the court to be invalid, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

Upon adoption, the provisions of this ordinance shall take effect immediately upon publication in a newspaper circulated within said Township.

The foregoing Ordinance was adopted by the Township Board of the Township of Bloomfield at a meeting of the Township Board duly called and held on the 26<sup>th</sup> day of November, 2018.

Janet Roncelli, Township Clerk