

**TOWNSHIP OF BRUCE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO: 179

**BRUCE TOWNSHIP POSSESSION OF MARIJUANA
AND ASSOCIATED PARAPHERNALIA ORDINANCE**

TITLE

AN ORDINANCE securing the public health, safety and general welfare of the residents and property owners of Bruce Township, by prohibiting the possession of marijuana, and paraphernalia associated therewith, prescribing a penalty for the violation thereof and repealing all ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE, MACOMB COUNTY,
MICHIGAN, ORDAINS:**

SECTION 1. Title.

This Ordinance shall be known and cited as the *Bruce Township Possession of Marijuana and Associated Paraphernalia Ordinance.*

SECTION 2. Purpose.

The purpose of this Ordinance is to protect the public health, peace and welfare of property and persons in the Township of Bruce from persons possessing marijuana and associated paraphernalia in the Township of Bruce.

SECTION 3. Enabling Authority.

This Ordinance is adopted in accordance with and pursuant to Act 246, Public Acts of 1945, as amended and Act 368, Public Acts of 1978 as amended.

SECTION 4. Definitions.

For the purpose of construction and application of this Ordinance, the following definitions shall apply:

- (a) "Marijuana" shall mean all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacturer, a salt, derivative, mixture, or preparation of the plant, seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacturer, salt, derivative, mixture, or preparation of the mature plant, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- (b) "Drug Paraphernalia" shall mean all equipment products and materials of any kind which are intended or designed for use, in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana as defined by this Ordinance.

- (c) "Practitioner" shall mean either of the following:
 - 1. A prescriber, pharmacist, or scientific investigator as defined by rules of the State, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of

professional practice or research in the State of Michigan.

2. A pharmacy, hospital, other institution or place of professional practice licensed, registered or otherwise permitted to distribute, prescribe, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Michigan.

SECTION 5. Prohibited Conduct.

Section 5.1. Possession and Use. It shall be unlawful for any person to knowingly or intentionally possess or use the controlled substance known as marijuana, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while engaging in the course of the practitioner's professional practice.

Section 5.2. Paraphernalia. It is unlawful for any person to use, or to possess with intent to use, 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 marijuana as defined by this Ordinance.

SECTION 6. Penalty.

Any person who violates the provisions of this Ordinance, shall upon conviction thereof, be guilty of a misdemeanor and subject to a fine not to exceed \$500.00

or imprisonment in the Macomb County Jail for a period not to exceed 90 days, or both such fines and imprisonment. Furthermore, upon conviction, at the discretion of the court, the court may suspend the individual's driver's license for a period up to, and not to exceed 6 months (pursuant to 1993 P.A. 360).

SECTION 7. Repeal of Conflicting Provisions.

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance to the extent of such conflict are hereby repealed.

SECTION 8. Severability.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

SECTION 9. Publication.

A true copy of this Ordinance, or summary thereof, shall be published in a newspaper of general circulation in the Township of Bruce.

SECTION 10. Effective Date.

This Ordinance shall take effect 30 days from and after the publication of a

true copy, or summary thereof, as provided in Section 9.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Bruce, Macomb County, Michigan, at a regular meeting held on the 12th day of **November,** A.D., 2003, and was approved for publication.

I hereby further certify that the following Township Board Members were present at the meeting:

Gary Schocke, Karol Regius, Deborah Obrecht, George Adams, Mark Falker

and the following Township Board Members were absent;

None

I further certify that Member obrecht moved for the adoption of the Ordinance, and that motion was supported by Member Adams.

I further certify that the following Bruce Township Board Members voted for the adoption of the Ordinance:

Schocke, Regius, Obrecht, Adams, Falker

and that the following Bruce Township Board Members voted against adoption of

the Ordinance:

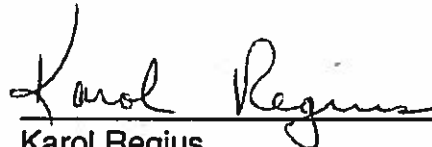
None



Karol Regius,
Bruce Township Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Bruce, do hereby certify that on December 24, 2003 the foregoing Ordinance or Summary thereof was duly published in the Romeo Observer, a newspaper having general circulation within Bruce Township.



Karol Regius,
Bruce Township Clerk