

**CHARTER TOWNSHIP OF WEST BLOOMFIELD**

**ORDINANCE NO. C-807**

**MARIHUANA**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY ADDING CHAPTER 13.5 TITLED MARIHUANA, ARTICLES 1 THROUGH 3.

**THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:**

**Section 1 of Ordinance**

The Code of Ordinances for the Charter Township of West Bloomfield is hereby amended to add Chapter 13.5 titled Marihuana, Articles 1 through 3, to read as follows:

**CHAPTER 13.5 - MARIHUANA**

**ARTICLE 1. GENERAL**

**Sec. 13.5-1. Findings.**

- a) The Michigan Medical Marihuana Act, Initiated Law 1 of 2008; MCL §333.26421, *et seq.*, referred to as the Medical Marihuana Act, was approved by the electors of the State of Michigan to allow under State law, the possession, use, cultivation, and distribution of marihuana by registered qualifying patients and registered primary caregivers as provided in the Medical Marihuana Act.
- b) The Michigan Medical Marihuana Facilities Licensing Act, Act 281 of 2016, MCL §333.27101, *et seq.*, referred to as the Medical Marihuana Facilities Act, was enacted to license and regulate under State law, medical marihuana facilities listed as growers, processors, provisioning centers, secure transporters, and safety compliance facilities for commercial medical marihuana transactions as provided by the Medical Marihuana Facilities Act; and further provides that a State operating license shall not be issued for a medical marihuana facility to operate within a municipality unless the municipality has adopted an ordinance authorizing the operation of that type of facility.
- c) The Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, referred to as the Marihuana Act, was approved by the electors of the State of Michigan to allow under State law, the possession, use, cultivation, processing, transportation, and sale of marihuana by persons 21 years of age or older; and the operation of State licensed marihuana establishments listed as marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or other marihuana related business licensed by the State; and further provides in Section 6.1 that a municipality may completely prohibit marihuana establishments within its boundaries.

**Sec. 13.5-2. Intent.**

- a) It is the intent of this Article to comply with all Michigan marihuana laws and to protect the public health, safety, and general welfare of persons and property in the community.
- b) Nothing in this Article shall be construed to undermine or provide immunity from an applicable State or federal law that may be enforced by federal, State, or local government.
- c) The adoption of this ordinance shall not have the effect of superseding or nullifying State or federal law applicable to the possession, use, cultivation, processing, transportation, distribution, or sale of marihuana.

**Sec. 13.5-3 to 13.5-6. Reserved.**

**ARTICLE 2. MEDICAL MARIHUANA FACILITIES**

**Sec. 13.5-7. Medical Marihuana Facilities Not Permitted.**

As authorized by the Michigan Medical Marihuana Facilities Licensing Act, the Township elects to prohibit any medical marihuana facility as defined by the Act from operating within the boundaries of the Township.

**Sec. 13.5-8 to 13.5-15. Reserved.**

**ARTICLE 3. MARIHUANA ESTABLISHMENTS**

**Sec. 13.5-16. Marihuana Establishments Not Permitted.**

As authorized by the Michigan Regulation and Taxation of Marihuana Act, the Township elects to prohibit any marihuana establishment as defined by the Act from operating within the boundaries of the Township.

**Sec. 13.5-17 to 13.5-30. Reserved.**

**Section 2 of Ordinance**

Should any section, subdivision, sentence, clause, or phrase of this Ordinance be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

**Section 3 of Ordinance**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

I, Deborah Binder, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 26th day of November, 2018, the original of which is on file in the Office of the Township Clerk.

I affix my official signature/seal this 27th day of November, 2018.

By:   
Deborah Binder, Clerk

INTRODUCED:     October 15, 2018  
ADOPTED:        November 26, 2018  
EFFECTIVE:      December 5, 2018  
PUBLISHED:     December 5, 2018