

Chapter 22

OFFENSES AND MISCELLANEOUS PROVISIONS

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ARTICLE I.

IN GENERAL

Sec. 22-1. Definitions.

The term "public place" as used in this chapter shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

(Compiled Ords. 1990, § 20.151)

Sec. 22-2. Engaging in illegal business or occupation.

No person shall engage in gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation.

(Compiled Ords. 1990, § 20.152(20))

State Law References: Engaging in illegal occupation or business, MCL 750.167(1)(d).

Sec. 22-3. Soliciting or accosting others to commit illegal acts.

No person shall solicit or accost any person for the purpose of inducing the commission of any illegal act.

(Compiled Ords. 1990, § 20.152(21))

Sec. 22-4. Disturbing lawfully assembled meetings, congregations, etc.

No person shall disturb any school, meeting, or congregation lawfully assembled, whether religious, political, or otherwise.

(Compiled Ords. 1990, § 20.152(29))

State Law References: Disturbing lawful meeting, MCL 750.170; disturbing religious worship, MCL 750.169, 752.525.

Sec. 22-5. Unnecessary summons of the police or fire department.

No person shall summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed.

(Compiled Ords. 1990, § 20.152(33))

State law reference--False fire alarms, MCL 750.240.

Sec. 22-6. Curfew for minors.

(a) *Hours for minors.* It shall be unlawful for any minor under the age of 17 years to loiter, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 6:00 a.m.

(b) *Defense against prosecution.* It is a defense to prosecution under subsection (a) that such minor was:

- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency. In this subsection the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
 - (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
 - (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (8) Married or had been married or had disabilities of minority removed in accordance with law.
- (c) *Parental responsibility.* It shall be unlawful for the parent, guardian or other adult person having

the care and custody of a minor under the age of 17 years to permit or suffer such minor to violate subsection (a).

(Compiled Ords. 1990, §§ 20.251, 20.252)

State Law References: Curfew for underage persons, MCL 722.251 et seq.

Secs. 22-7--22-32. Reserved.

ARTICLE II.

OFFENSES INVOLVING PERSONAL INJURY

Sec. 22-33. Assault and battery.

No person shall commit an assault, or an assault and battery, on any person.

(Compiled Ords. 1990, § 20.152(1))

Secs. 22-34--22-53. Reserved.

ARTICLE III.

OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 22-54. Trespass.

It is hereby declared unlawful for any person to commit any trespass on any public or private grounds in the township.

(Compiled Ords. 1990, § 20.201)

State Law References: Trespass, MCL 750.546.

Sec. 22-55. Willful destruction, removal, etc., of property.

No person shall willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, streetlight, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the township or located in the public places of the township; or mark or post handbills, on, or in any manner mark the walls of, any public building, or fence, tree, or pole within the township; or destroy, take, or meddle with any property belonging to the township, or remove the same from the building or place where it may be kept, placed or stored, without proper authority.

(Compiled Ords. 1990, § 20.152(13))

State Law References: Malicious mischief, MCL 750.377a et seq.

Sec. 22-56. Unauthorized persons within school property.

No person not a student or employee of any school located in the township, or parent or guardian of any student enrolled therein, shall remain within any school during normal school hours without securing the permission of the principal or person in charge of said school. The term "student" as used herein is hereby defined as any person of school age and properly enrolled in the school at which he then is present.

(Compiled Ords. 1990, § 20.203)

Secs. 22-57--22-87. Reserved.

ARTICLE IV.

OFFENSES INVOLVING PUBLIC SAFETY

DIVISION 1.

GENERALLY

Sec. 22-88. Discharge of fireworks.

No person shall fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by the laws of the state.

(Compiled Ords. 1990, § 20.152(5))

State Law References: Fireworks, MCL 750.243a et seq.

Sec. 22-89. Throwing objects from moving automobiles.

No person shall wrongfully throw or propel any snowball, missile or object from any moving automobile.

(Compiled Ords. 1990, § 20.152(30))

Sec. 22-90. Throwing objects at people; automobiles.

No person shall wrongfully throw or propel any snowball, missile or object toward any person or automobile.

(Compiled Ords. 1990, § 20.152(31))

State Law References: Throwing objects at automobiles, MCL 750.394.

Secs. 22-91--22-108. Reserved.

DIVISION 2.

FIREARMS

Sec. 22-109. Discharge.

(a) No person except a police officer or other peace officer in the discharge of his duty, shall fire or discharge an air rifle, bow and arrow, or other dangerous weapon within any park or other property that is owned, operated or maintained by the township unless authorized to do so by the township board. Violation of this section is a misdemeanor.

(b) All weapons, guns, pistols or firearms carried, possessed or used contrary to this section are hereby declared forfeited to the township.

(Compiled Ords. 1990, §§ 20.101, 20.102)

State Law References: Local regulation of firearms, MCL 123.1101 et seq. pointing, aiming or discharging firearms, MCL 750.233 et seq.

Secs. 22-110--22-135. Reserved.

ARTICLE V.

OFFENSES INVOLVING PUBLIC PEACE AND ORDER

DIVISION 1.

GENERALLY

Sec. 22-136. Public intoxication.

No person shall be intoxicated in any public place or under the influence of any narcotic drug in any public place and either endanger directly the safety of another person or of property or act in a manner that causes a public disturbance.

(Compiled Ords. 1990, § 20.152(2))

State Law References: Similar provisions, MCL 750.167(1)(e); local ordinances on public intoxication, MCL 325.6523.

Sec. 22-137. Breach of peace.

No person shall engage in any conduct in any public place if the conduct could reasonably be anticipated to cause an immediate breach of the peace.

(Compiled Ords. 1990, § 20.152(3))

State Law References: Disorderly persons, MCL 750.167.

Sec. 22-138. Fighting; quarreling; other disturbances.

No person shall engage in any disturbance, fight, or quarrel in a public place.

(Compiled Ords. 1990, § 20.152(14))

Sec. 22-139. Jostling or roughly crowding persons in public buildings, streets, etc.

No person shall jostle or roughly crowd persons in any street, alley, park, or public building.

(Compiled Ords. 1990, § 20.152(15))

State Law References: Similar provisions, MCL 750.167(q)(1).

Sec. 22-140. Loitering; obstructing passage of the public on streets, sidewalks, etc.

No person shall loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.

(Compiled Ords. 1990, § 20.152(16))

Sec. 22-141. Obstructing traffic on streets, sidewalks.

No person shall play any ballgame in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.
(Compiled Ords. 1990, § 20.152(17))

Sec. 22-142. Public peace and quiet.

No person shall disturb the public peace and quiet by loud or boisterous conduct.
(Compiled Ords. 1990, § 20.152(24))

Sec. 22-143. Noisy, boisterous or disorderly persons.

No person shall permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.
(Compiled Ords. 1990, § 20.152(25))

State Law References: Disorderly persons, MCL 750.167.

Sec. 22-144. Peeping Toms.

No person shall peep into an occupied dwelling of another person or go upon the land of another with the intent to peep into an occupied dwelling of another person. No person shall peep into an area where an occupant of the area reasonably can be expected to disrobe, including, restrooms, baths, showers, and dressing rooms, without the consent of the other person.
(Compiled Ords. 1990, § 20.152(6))

State Law References: Window peepers, MCL 750.167(1)(c).

Secs. 22-145--22-171. Reserved.

DIVISION 2.

NOISE

Sec. 22-172. Unlawful noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise or any noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the township.
(Compiled Ords. 1990, § 20.301)

Sec. 22-173. Loud and disturbing noises.

The acts enumerated in this section are hereby declared to be loud and disturbing noises, but such enumeration shall not be deemed to be exclusive.

- (1) Playing, using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, tape recorder, tape playing machine, or other machine or device for producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of

the persons in the vicinity of the premises where such sounds occur, or at any time with louder volume than is necessary for convenient hearing by the person or persons in the room, vehicle or chamber in which such machine or device is operated.

- (2) The operation of any such set, instrument, phonograph, tape recorder, tape playing machine, or other machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) Yelling, shouting, hooting, whistling or singing in a public place, so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence, or of any person in the vicinity, is prohibited.
- (4) The operation of any motor vehicle or device or any machine in such a manner, or one that is so changed, designed, altered, out of repair or loaded, as to create loud and unnecessary grating, grinding, rattling, squealing of tires, explosions, loud motor sounds, unmuffled motor sounds, or any other unnecessary and excessive noise.
- (5) Any animal which barks, howls, crows, yelps or makes any other such noise with such a frequency and at such times as to disturb and irritate persons residing in the neighborhood in which it is kept is hereby declared to be a nuisance. No person shall keep any such animal in the Township of Egelston in such a manner as to permit such animal to become a nuisance.
(Compiled Ords. 1990, § 20.302) **Amended May 04, 2015**

Sec. 22-174. Violation.

Any person who maintains or is in possession or control of any premises where any violation of this division is permitted, and who is present, whether in the capacity of owner, lessee, manager, or other person in control, and fails to take reasonable steps to prevent such occurrences, is guilty of a violation of this division.
(Compiled Ords. 1990, § 20.303)

Secs. 22-175--22-203. Reserved.

ARTICLE VI.

OFFENSES INVOLVING PUBLIC MORALS

Sec. 22-204. Indecent exposure.

No person shall make any indecent exposure of his person in any public place not designated for such purpose.

(Compiled Ords. 1990, § 20.152(11))

State Law References: Indecent exposure, MCL 750.335a; ordinances prohibiting public nudity, MCL 41.181.

Sec. 22-205. Prostitution.

No person shall engage in any act of prostitution.

(Compiled Ords. 1990, § 20.152(18))

State Law References: Prostitution, MCL 750.448 et seq.

Sec. 22-206. Attending a place where illegal conduct takes place.

No person shall attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor with intent to aid, abet or engage in such illegal conduct, or where any other illegal business or occupation is permitted or conducted with intent to aid, abet or engage in such illegal conduct or business.

(Compiled Ords. 1990, § 20.152(19))

State Law References: Loitering where illegal occupation or business being conducted, MCL 750.167(1)(j).

Sec. 22-207. Transportation to a place where illegal acts conducted.

No person shall knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person to engage in gambling or in any illegal act.

(Compiled Ords. 1990, § 20.152(22))

Sec. 22-208. Keeping or maintaining gaming rooms, gaming devices, etc.

No person shall keep or maintain a gaming room, gaming table, or any gaming device used for gaming; or knowingly suffer a gaming room, gaming table, or any gaming device to be kept, maintained, played or sold on any premises occupied or controlled by him.

(Compiled Ords. 1990, § 20.152(23))

State law reference--Keeping gambling room or gambling device, MCL 750.303.

Secs. 22-209--22-220. Reserved.

ARTICLE VII.

REGULATION OF MEDICAL MARIHUANA, MEDICAL MARIHUANA DISPENSARIES, AND RELATED USES AND ACTIVITIES*

* **Editors Note:** Articles 1--11 of an ordinance adopted April 18, 2011, did not specify manner of inclusion; hence, codification as art. VII, §§ 22-221--22-231 was at the editor's discretion.

Sec. 22-221. Purpose and intent.

The voters of the state of Michigan adopted the Medical Marihuana Act, being Public Act 2008, Initiated Law 1, MCL 333.26421 et seq., which became effective on December 4, 2008. That statute fails to regulate many aspects associated with the possession and use of medical marihuana, including, but not limited to, the distribution, sale, consumption, smoking and processing of medical marihuana. The township board finds that there are many negative impacts associated with the use and dispensing of marihuana (including medical marihuana) which can include burglaries, robberies, violence, increased vandalism, illegal sales of marihuana, and use of marihuana by minors and other persons without medical need. Furthermore, the unregulated sale and distribution of medical marihuana can create many problems in the areas adjacent to medical marihuana sales,

usage or processing, including threats to the public peace and undermining of township efforts to safeguard the health, safety and welfare of the residents and property owners of the township and the public at large. (Ord. of 4-18-2011, art. 1)

Sec. 22-222. Definitions.

The following words, terms and phrases shall have the following meanings for purposes of this article:

Act means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being MCL 333.26421 et seq., as well as any and all amendments thereto, and also any legislation enacted into law to implement that statute.

Marihuana is also known as marijuana and cannabis.

Medical marihuana dispensary means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

- (1) A primary caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 et seq., as amended).
- (2) A qualifying patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 et seq., as amended).
- (3) Members of the general public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualifying patients (as defined by Michigan Initiated Law 1 of 2008, as amended (being MCL 333.26421 et seq., as amended), so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and is done in full compliance with not only the Egelston Township Zoning Ordinance and this article, but all applicable Michigan and federal laws and regulations.

Medical use of marihuana is the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.

Primary caregiver shall be as defined by the Act.

Qualifying patient shall be as defined by the Act.
(Ord. of 4-18-2011, art. 2)

Sec. 22-223. Prohibition on medical marihuana dispensaries.

No medical marihuana dispensary shall be commenced, conducted, maintained, operated or utilized anywhere within Egelston Township or on or from any property, land, building or structure within and from Egelston Township. Furthermore, no person shall frequent, patronize or obtain or purchase any marihuana from or through any medical marihuana dispensary within Egelston Township.
(Ord. of 4-18-2011, art. 3)

Sec. 22-224. General regulations regarding primary caregiver residences.

The following regulations generally pertain to the residence of a primary caregiver:

- (1) The primary caregiver may grow and process marihuana in compliance with the Act within the residential dwelling where the primary caregiver lives and is the primary caregiver's residence pursuant to Michigan law. No such residential dwelling of the primary caregiver shall be located within an apartment building, multi-family residential building or similar housing building or development, but rather, shall occur only within a detached lawful single-family residential dwelling.
- (2) No person other than the members of the immediate family of the primary caregiver residing within the residence of that primary caregiver (and no person under 18 years of age) shall be engaged or involved in the growing, processing, dispensing, delivery, or handling of the marihuana.
- (3) Use of the residential dwelling (which is the residence of the primary caregiver) for marihuana related purposes shall be clearly incidental and subordinate to its use for single family residential purposes. Not more than 25 percent of the gross finished floor area of the dwelling shall be used for the growing, processing and handling of the marihuana. No part of an accessory building, detached garage, pole barn or similar building or structure shall be used for the growing, processing, or distribution of marihuana.
- (4) No qualifying patient shall visit, come to or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana; rather, the primary caregiver must personally deliver any medical marihuana to a qualifying patient at the residence of that qualifying patient.
- (5) No person shall deliver marihuana to a qualifying patient other than the primary caregiver for that qualifying patient. The primary caregiver must personally deliver the marihuana to his/her qualifying patient.
- (6) There shall be no visible change to the outside appearance of the primary caregiver's residence or other visible evidence of the conduct of the medical marihuana operation occurring inside the

dwelling.

- (7) No marihuana, marihuana plants, marihuana paraphernalia or plant growing apparatus shall be visible from the exterior of the dwelling.
- (8) No growing, processing, smoking or use of marihuana shall occur outdoors. All medical marihuana growing, processing and handling shall occur entirely within the dwelling.
- (9) No sale or distribution of merchandise or products shall be conducted on, within or from the dwelling or residential premises (including the lot or parcel involved) of the primary caregiver apart from the medical marihuana itself.
- (10) No equipment or process shall be used in growing, processing or handling medical marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver off the premises or causes fluctuation of line voltage off the premises. The dwelling of the primary caregiver shall meet all building, housing, fire and local and state codes and ordinance requirements.
- (11) The growing, processing, distribution, sale and handling of medical marihuana shall comply at all times and all circumstances with the Act and any applicable regulations or requirements by the Michigan Department of Community Health or any other Michigan agency.
- (12) The residence for the primary caregiver shall be located more than 1,000 feet from any school, church or library as defined by Michigan law to ensure community compliance with federal "Drug-Free School Zone" requirements and to minimize negative impacts.
- (13) Not more than one primary caregiver shall be permitted to grow, process or handle medical marihuana at or from a given dwelling unit.
- (14) All medical marihuana shall be contained within the primary caregiver's residential dwelling (except when being delivered by the primary caregiver to a qualifying patient off site) and in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver. Any person under 18 years old shall not have any access to any medical marihuana.
- (15) No on-site consumption or smoking of marihuana is allowed within the residence (or on the lot or parcel) of a primary caregiver except for any medical marihuana consumption by the primary caregiver himself/herself if he/she is a qualifying patient and in full compliance with the Act.
- (16) No medical marihuana shall be grown, processed or handled at, from or through the residence of the primary caregiver beyond that which is needed or allowed by law (whichever is less) for the qualifying patients of that particular primary caregiver.
- (17) No sign identifying the dwelling as being a place where medical marihuana is grown, sold,

processed, kept, or distributed shall be visible outside of the dwelling or within any of the windows of the dwelling.

(Ord. of 4-18-2011, art. 4)

Sec. 22-225. Regulations regarding qualifying patients.

(a) A primary caregiver is required to deliver marihuana to his/her qualifying patients at the residence where the particular qualifying patient resides. A qualifying patient shall not go to the residence of their primary caregiver to purchase, obtain, smoke or consume marihuana.

(b) Use of marihuana by a qualifying patient shall fully comply with this article and the Act.

(Ord. of 4-18-2011, art. 5)

Sec. 22-226. Required compliance with federal law.

(a) Nothing in this article is intended to grant, nor shall any provisions of this article be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marihuana which is not in strict compliance with the Act, this article and all other applicable laws and regulations.

(b) Since federal laws are not affected by the Act or this article, nothing in this article is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. The Act and this article do not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use of marihuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.

(Ord. of 4-18-2011, art. 6)

Sec. 22-227. General regulations.

(a) No medical marihuana shall be grown, utilized, smoked, processed, distributed or handled within 1,000 feet of any half-way house, school, library, church, correctional facility, college, trade or vocational school, public park, halfway house, child daycare center, foster care center or similar use.

(b) The smoking or consumption of marihuana shall not occur in any public place.

(c) Every primary caregiver, qualifying patient and any other person shall comply at all times and all circumstances with the Act and the regulations of the Michigan Department of Community Health, as may be amended from time to time.

(d) It shall be unlawful to give, sell, dispense, or otherwise distribute medical marihuana (or any marihuana) to anyone other than a primary caregiver or qualifying patient.

(e) No sign or other advertising materials identifying a particular dwelling or property as being associated with the use or cultivation of medical marihuana or marihuana in general shall be displayed, posted, or distributed.

(f) It is unlawful to purchase or otherwise obtain medical marihuana (or any marihuana) from any source other than a primary caregiver who is authorized under the Act to sell or dispense medical marihuana to that particular person.

(Ord. of 4-18-2011, art. 7)

Sec. 22-228. Responsibility for the premises.

A primary caregiver shall be responsible (and shall be deemed to be in violation of this article) for any violation of this article or the Act which occurs in the residential dwelling or lot or parcel owned or leased by the primary caregiver.

(Ord. of 4-18-2011, art. 8)

Sec. 22-229. Severability.

If any provision, clause or portion of this article is declared by a court of competent jurisdiction to be unconstitutional or invalid, such invalidation shall not affect any other portion of this article and the balance of this article shall remain in full force and effect.

(Ord. of 4-18-2011, art. 9)

Sec. 22-230. Penalties.

A violation of this article constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this article, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this article, shall be in violation of this article and shall be responsible for a civil infraction. For purposes of this section, "subsequent offense" means a violation of the provisions of this article committed by the same person within 12 months of a previous violation of the same provision of this article or similar provision of this article for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

(Ord. of 4-18-2011, art. 10)

Sec. 22-231. Public nuisance and nuisance per se.

The violation of any provisions of this article or the Act shall be deemed to constitute a nuisance per se and shall be subject to abatement.

(Ord. of 4-18-2011, art. 11)