



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1327**

AN ORDINANCE TO AMEND CHAPTER 74 OF THE YPSILANTI CITY CODE, ENTITLED "MISDEMEANOR OFFENSES," BY AMENDING THE TITLE TO THE CHAPTER AND TO ARTICLE VI, AND TO AMEND SECTION 74-212 "POSSESSION" TO MAKE THE POSSESSION OF MARIHUANA PARAPHERNALIA A MUNICIPAL CIVIL INFRACTION, AND TO AMEND SECTIONS 74-212, 74-213, AND 74-214 SO THAT THOSE PROVISIONS ONLY ARE VIOLATIONS WHERE THE UNDERLYING CONTROLLED SUBSTANCE VIOLATES STATE LAW, AND TO AMEND SECTION 74-216 TO ADD TO THE EXCEPTIONS MARIHUANA FACILITIES OPERATING IN COMPLIANCE WITH CHAPTER 7 OF THE CITY CODE.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, is hereby amended to be titled as follows:

Chapter 74 --MISDEMEANOR OFFENSES

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," is hereby amended to be titled as follows:

ARTICLE VI. - MISDEMEANOR OFFENSES AGAINST PUBLIC MORALS

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-212, "Possession," is hereby amended as follows:

Sec. 74-212. - Possession.

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 a controlled substance in violation of state or local law. A person who violates this section is responsible for a municipal civil infraction or guilty of a misdemeanor as follows:

(a) If the controlled substance in violation of state law is marihuana, the person is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in [section 70-38](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 70-38](#).

(b) If the controlled substance in violation of state law is a controlled substance other than marihuana, the person shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500.00, or both, in the discretion of the court.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-213, "Manufacture, delivery or sale," is hereby amended as follows:

Sec. 74-213. – Manufacture, delivery or sale.

It is unlawful for any reason to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, 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 in violation of state or local law.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-214, "Advertising," is hereby amended as follows:

Sec. 74-214. – Advertising.

It is unlawful for any person to place in any newspaper, magazine, handbill, sign, poster, or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or

intended for use as drug paraphernalia, knowing that the drug paraphernalia 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 in violation of state law.

That Chapter 74, "Misdemeanor offenses," of the Ypsilanti City Code, Article VI, "Misdemeanor offenses against public morals," Division 4, "Controlled substances and toxic chemicals," Section 74-216, "Exceptions," is hereby amended as follows:

Sec. 74-216. - Exceptions.

This subdivision shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, marihuana facilities operating in compliance with Chapter 7 of the City Code, medical doctors, osteopathic physicians, dentists, chiroprodists, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection or to persons licensed by the state to engage in the activity prohibited in [section 74-215](#).

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office

hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 13TH DAY OF NOVEMBER, 2018.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1327 was published according to Section 11.13 of the City Charter on the 27th day of September, 2018.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 13th day of November, 2018.

Frances McMullan, City Clerk

Notice Published: September 27, 2018

First Reading: October 16, 2018

Second Reading: November 13, 2018

Published: November 22, 2018

Effective Date: December 13, 2018