

CITY OF ST. JOHNS

ORDINANCE NO. 706

**AN ORDINANCE TO AMEND TITLE XIII, CHAPTER 139, SECTION 139.01
DEFINITIONS AND SECTION 139.02 DRUG PARAPHERNALIA AND MARIHUANA
ACCESSORIES, TO ADD SECTION 139.03 POSSESSION OR USE OF
MARIHUANA, TO ADD SECTION 139.04 POSSESSION OR USE OF OTHER
CONTROLLED SUBSTANCES, AND TO REPEAL SECTION 139.99**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.01. The City amends Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.01 to read as follows:

“§139.01 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. CONTROLLED SUBSTANCE.** Any substance defined as a controlled substance pursuant to the federal Controlled Substances Act, being 21 USC Section 812, as amended, the Controlled Substance Act of the State of Michigan, being MCL 333.7101 *et seq.*, as amended, and anything designated by the Michigan Board of Pharmacy to be a controlled substance.
- b. CONTROLLED SUBSTANCE ANALOGUE.** A substance the chemical structure of which is substantially similar to that of a controlled substance in schedule 1 or 2 of MCL 333.7101 *et seq.*, and that has a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule 1 or 2 of MCL 333.1701, *et seq.*, or, with respect to a particular individual, that the individual represents or intends to have a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule 1 or 2 of MCL 333.1701, *et seq.* Controlled substance analogue does not include 1 or more of the following:
 - (1) A controlled substance.
 - (2) A substance for which there is an approved new drug application.
 - (3) A substance with respect to which an exemption is in effect for investigational use by a particular person under 21 USC 355, to the extent conduct with respect to the substance is pursuant to the exemption.

- (4) Any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

c. DRUG PARAPHERNALIA. All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined by the Michigan Controlled Substances Act, MCL 333.7101, *et seq.*, other than marihuana. It includes, but is not limited to:

- (1) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances other than marihuana;
- (2) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting a controlled substance other than marihuana;
- (3) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in injecting controlled substances into the human body;
- (4) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing a controlled substance, other than marihuana, into the human body, such as a crack pipe;

d. 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.

e. MARIHUANA ACCESSORIES. Shall be defined as 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."

Section 2. Amendment to Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.02. The City amends Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.02 to read as follows:

"§139.02 Prohibited Conduct

a. Drug Paraphernalia

- (1) Except as otherwise allowed by law, a person shall not possess or use drug paraphernalia as defined in Section 139.01 of this Chapter.
- (2) This Section shall not apply to Marihuana Accessories as defined in Section 139.01 of this Chapter.
- (3) This Section shall not apply to an object sold, offered for sale, or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

b. Marihuana Accessories

- (1) Except as otherwise allowed by law, a person shall not possess marihuana accessories on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility.
- (2) Except as otherwise allowed by law, a person twenty-one (21) years of age or older shall not transfer marihuana accessories to a person under twenty-one (21) years of age.
- (3) Except as otherwise allowed by law, a person under twenty-one (21) years of age shall not possess marihuana accessories.

c. Penalties

- (1) Prosecution under any section of this ordinance shall not preclude prosecution available under any other local, state, or federal law.
- (2) A violation of this shall be deemed a misdemeanor and shall be punishable by up to ninety (90) days in jail, a fine of up to five hundred (\$500.00) dollars, or both."

Section 3. Amendment to Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.03. The City amends Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, to add a new section as follows:

"§139.03 Possession or Use of Marihuana

a. Possession of Excess Marihuana

- (1) The possession of marihuana, in excess of the amounts authorized by the Michigan Regulation and Taxation of Marihuana Act, as may be amended, ("MRTMA"), is prohibited.
- (2) A person who possesses, delivers, or possesses with intent to deliver more than the amount of marihuana allowed by the MRTMA or cultivates more than the amount of marihuana plants allowed by the MRTMA, shall be responsible for a civil infraction and may be punished by a fine of not more than one hundred (\$100.00) dollars and forfeiture of all marihuana.
- (3) A person who possesses, delivers, or possesses with intent to deliver more than twice the amount of marihuana allowed by the MRTMA or cultivates more than twice the amount of marihuana plants allowed by the MRTMA, shall be punishable as follows:
 - i. For a first violation, the person shall be responsible for a civil infraction and may be punished by a fine of not more than five hundred (\$500.00) dollars and forfeiture of the marihuana;
 - ii. For a second violation, the person shall be responsible for a civil infraction and may be punished by a fine of not more than one thousand (\$1,000.00) dollars and forfeiture of the marihuana;
 - iii. For a third or subsequent violation, the person shall be guilty of a misdemeanor and may be punished by a fine of not more than five hundred (\$500.00) in addition forfeiture of the marihuana.

b. Minors in Possession of Marihuana

- (1) A person under twenty-one (21) years of age who possesses not more than two and one-half (2.5) ounces of marihuana or who cultivates not more than twelve (12) marihuana plants, except as otherwise authorized by law, shall be responsible for a civil infraction as follows:
 - i. For a first offense:
 - a) If the person is less than eighteen (18) years of age, a fine of not more than one hundred (\$100.00) dollars or community service, forfeiture of the marihuana, and completion of four (4) hours of drug education or counseling.

- b) If the person is at least eighteen (18) years of age, a fine of not more than one hundred (\$100.00) dollars and forfeiture of the marihuana.

- ii. For a second offense:

- a) If the person is less than eighteen (18) years of age, a fine of not more than five hundred (\$500.00) dollars or community service, forfeiture of the marihuana, and completion of eight (8) hours of drug education or counseling.

- b) If the person is at least eighteen (18) years of age, by a fine of not more than five hundred (\$500.00) dollars and forfeiture of the marihuana.

c. Use of Marihuana on City Property Prohibited

- (1) Consuming, smoking, or otherwise using marihuana on, in, or at any City property or park is prohibited.

d. Use of Marihuana in Public Prohibited

- (1) Consuming, smoking, or otherwise using marihuana in a public place or where prohibited by the person who owns, occupies, or manages the property is prohibited. As used in this section, "public place" shall not include an area designated for marihuana consumption authorized by the City and which are not accessible to persons under twenty-one (21) years of age.

e. Penalties

- (1) A person who violates this Sub-Section(s) (C) or (D) is responsible for a civil infraction punishable by a fine of not more than one hundred (\$100.00) dollars and forfeiture of the marijuana.
- (2) Prosecution under any section of this ordinance shall not be deemed to preclude prosecution available under any other local, state, or federal law.

f. Definitions

- (1) Words used within this Section shall be construed to have the same meaning as provided in the MRTMA."

Section 4. Amendment to Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.04. The City amends Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, to add a new section as follows:

“§139.04 Possession or Use of Other Controlled Substances

- a. Except as otherwise allowed by federal, state, or local law, no person shall use, possess, or possess with intent to use any other controlled substance or controlled substance analogue.
- b. A violation of this shall be deemed a misdemeanor and shall be punishable by up to ninety (90) days in jail, a fine of up to five hundred (\$500.00) dollars, or both.”

Section 5. Amendment to Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, Section 139.99. The City amends Title XIII: General Offenses, Chapter 139: Offenses Pertaining to Drugs, by repealing, rescinding, and reserving Section 139.99 for future use.

Section 6. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7. Repealer.

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

Section 8. Effective Date.

This Ordinance shall become effective twenty (20) days after final approval.

YEAS: Hufnagel, Gurski, Dzurka, DeLiso

NAYS: Hyzer

ABSTAIN: None

ABSENT: None

CERTIFICATION As the duly elected Mayor and Clerk of the City of St. Johns, Clinton County, Michigan, we certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on December 8, 2025.

Scott Dzurka, Mayor

Mindy J. Seavey, Clerk

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