

ORDINANCE NO. 995

AN ORDINANCE TO AMEND SECTION 96.04 OF THE MOUNT PLEASANT CITY CODE TO REGULATE MARIHUANA AT NUISANCE GATHERINGS IN A MANNER CONSISTENT WITH THE CITY CHARTER

It is Hereby Ordained by the People of the City of Mount Pleasant:

Section 1. Amendment. Title IV, Chapter 96, Section 96.04 of the Mount Pleasant City Code is amended to read as follows:

**§ 96.04 NUISANCE GATHERING.**

(A) *Purpose*. The City Commission finds that there are parties or gatherings on premises in the city that are unsafe or are a public nuisance. These gatherings can involve alcoholic beverages that are illegally sold and/or provided to individuals in attendance, including underage individuals. These gatherings can result in excessive noise and traffic, excessive consumption of alcohol, overcrowding of the premises, and other ordinance and state law violations. The City Commission desires to protect the public from such public nuisances.

(B) *Definitions*. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) *Nuisance Gathering*. A gathering, party or meeting that is conducted on or within any premises located within the city and which, by reason of the conduct of persons hosting or attending, results in one or more of the following conditions or occurrences:

(a) The drinking or possession of alcohol in public or intoxication that would warrant involuntary commitment under MCL 330.1276, as amended;

(b) The use or possession of any controlled substance, drug, or immediate precursor enumerated in schedule 1-5 of sections 7201 to 7231 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7201 *et seq.*, except as provided in subsection (c) of this ordinance with respect to marihuana;

(c) The use or possession of 1 ounce or more of marihuana, except as permitted by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, as amended, MCL 333.26421 *et seq.*;

(d) Indecent exposure or public nudity in violation of MCL 750.335a, as amended, or section 96.11 of this code;

(e) Public urination or defecation;

- (f) The unlawful sale, furnishing, possession or consumption of alcoholic or intoxicating beverages in violation MCL 436.1703, as amended, or section 132.03 of this code;
  - (g) The unlawful dumping, placing or depositing of trash or litter on public or private property in violation of MCL 750.552a, as amended, or sections 96.06 or 96.07 of this code;
  - (h) The damage or destruction of public or private property;
  - (i) The generation of pedestrian or vehicular traffic which obstructs the free flow of traffic within the public rights-of-way or interferes with the ability to render police or other emergency services;
  - (j) The generation of noise or violations that are audible at a distance beyond 50 feet from the property line of the premises or from inside a neighboring building, structure or dwelling unit;
  - (k) Public disturbances, brawls, fights, quarrels or similar disturbances of the peace in violation of sections 131.02 of this code; and
  - (l) Violation of the fire code, building code or zoning ordinance due to the over-occupancy or overcrowding of a building, structure or dwelling unit, or any adjacent deck or patio, or the obstruction of stairway or entries to a building, structure or dwelling unit.
- (2) *Premises.* Any building, structure or dwelling unit, either commercial or residential, including adjacent exterior property, common areas, yards, and parking lots. The term premises. does not include an establishment operating with a liquor license issued by the Michigan Liquor Control Commission, or a successor agency.

(C) Nuisance gathering prohibited.

- (1) Nuisance gatherings are declared to be public nuisances and are prohibited in the city.
- (2) Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a nuisance gathering at such premises, shall commit a violation of this code, and upon conviction shall be subject to the penalties as provided by section 96.99. In any prosecution for a violation of this section, proof of specific of intent shall not be required as a necessary element.
- (3) Any person in attendance at a nuisance gathering , whether or not such person has any possessory control over the premises, shall commit a violation of this section and, upon conviction, shall be punished as provided in section 96.99 of this code.

Section 2. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

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Jim Holton, Mayor

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Jeremy Howard, City Clerk

PC Hearing: June 22, 2015  
Introduced: May 26, 2015  
Adopted: June 22, 2015  
Published: June \_\_, 2015  
Effective: July 21, 2015