

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
FEBRUARY 18, 2013, 5:30 P.M., COUNCIL CHAMBERS
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The Legislative Meeting was called to order by Councilwoman Ellen Ellenburg at 5:30 p.m.

MEMBERS PRESENT: Ellenburg, O'Keefe and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: Atty. R. Austin, Police Chief T. Osterholzer, and L. Young, Clerk's Office.

PURPOSE OF THE MEETING: Discussion and possible recommendations concerning the following:

- 1. Ordinance No. 2013-____-137, An Ordinance Amending Chapter 137 of The City of Burton Code of Ordinances to Regulate the Transportation of Marijuana Within the City of Burton and To Provide Criminal Penalties For the Violation Thereof.**

PRESENTATION:

Chief Osterholzer said the Medical Marijuana Law was difficult to enforce because it had a lot of loopholes. The new law does not allow the Police to target good law-abiding patients. The new law says that when transporting marijuana it must be locked in the trunk of a vehicle or in a sealed container where it is not readily accessible from the interior of the vehicle in those that do not have trunks. There was nothing we could do about people selling drugs that had a Medical Marijuana card. If we adopt this as a local Ordinance, it would be a five minute process to write the ticket and then they get an appearance date in Court where they go before Mr. Austin and a local Judge, which keeps our officers local. If we write the misdemeanor under State Law, a detective has to make an appointment with the Prosecutor's Office downtown, get it reviewed, get a warrant package together and get the warrant written. Then the officer has to go before the Judge and swear out the warrant when it is ready, which is a minimum of four hours of time. We are going to use this law and it makes more sense to have it as a local ordinance.

Mr. Austin said with local prosecution upon conviction, we get a piece of the fines and costs assessed by the Judge.

AUDIENCE PARTICIPATION: None.

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COMMITTEE DISCUSSION:

Mr. O'Keefe asked if this new law parallels alcohol transportation.

Chief Osterholzer said it does parallel the alcohol transportation and the CCW laws.

Mr. O'Keefe said he will be in support if our Police officers need this Ordinance, since it helps with Court time and we get money from fines.

Mrs. Ellenburg thanked the Police Chief for bringing these issues to the Council.

Chief Osterholzer said if we allow small term marijuana violations it will lead to major violations.

Mr. Wells said he is afraid of what the cost to the City will be if they jump the gun at every knee jerk reaction made by the State.

Mr. Austin said it costs the City a couple hundred dollars to draw up the Ordinance.

Mr. Wells asked if the Police Chief is keeping up on the driving laws with marijuana.

Chief Osterholzer said there laws against driving under the influence of drugs or alcohol. He believes this part of the law will stay awhile. We could recoup the cost of the Ordinance in two prosecutions.

Mr. O'Keefe said if they are going to be prosecuted anyway, why not make this good for the City and the Police Department and if we are going to make money why would we give it back to the State.

Mr. Austin spoke in reference to the Michigan Supreme Court Decision State of Michigan vs. McQueen, which deals with the legality of dispensaries in Michigan.

Discussion ensued about the legality of dispensaries in Michigan.

COMMITTEE RECOMMENDATIONS:

O'Keefe moved and Wells seconded the following motion:

1. The Legislative Committee recommends sending this Ordinance to City Council for an Introduction of an Ordinance.

Motion carried 3-0.

Meeting adjourned at 6:17 p.m.

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